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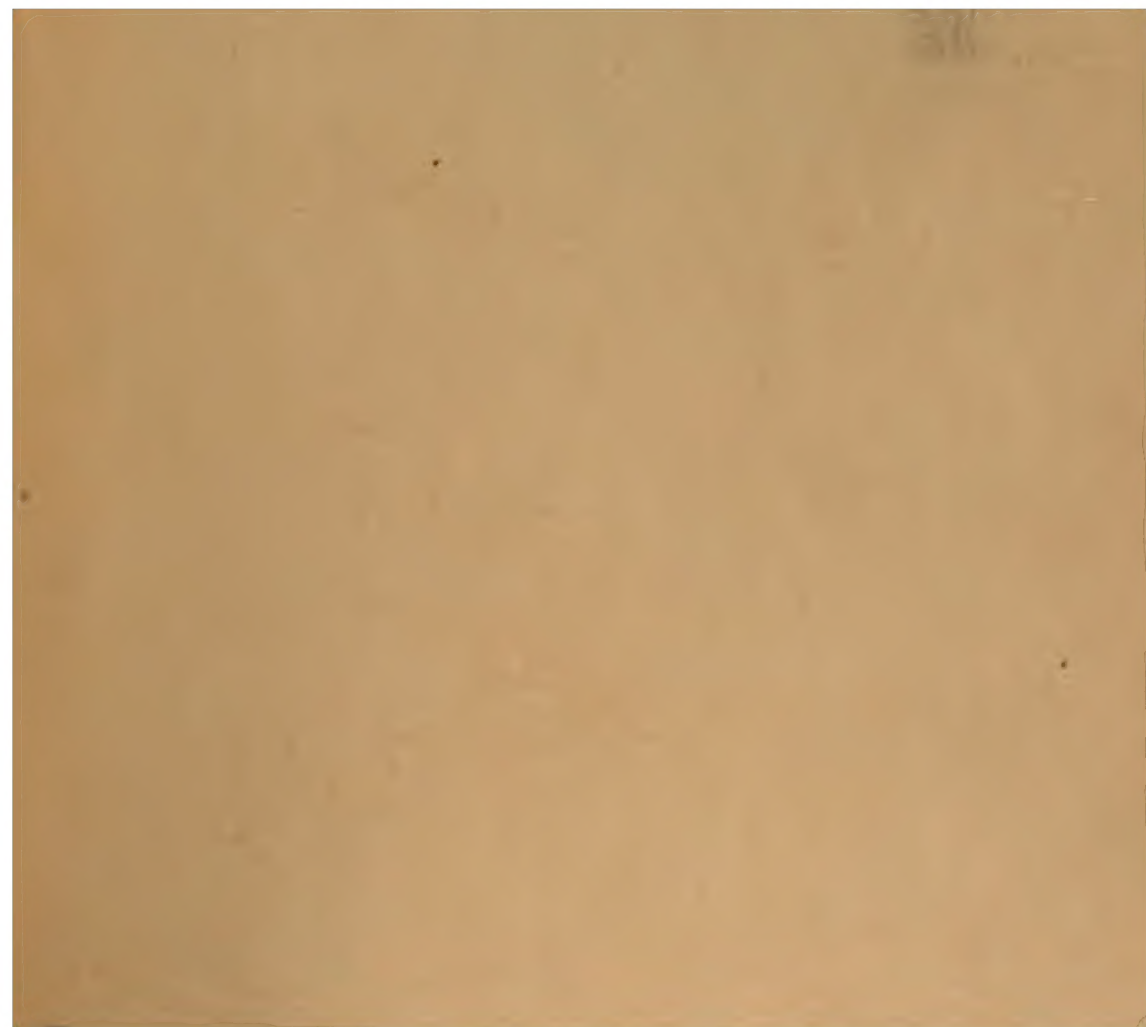
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IN all political communities where the franchise has been granted to any considerable part of the people the process of voting, of arriving at a decision on some controverted subject, has occupied no small part of the time of the constitution-makers. Every American, every Englishman knows, almost by intuition, what we mean by *viva voce* voting, by division, by the ballot. Most students of history know, in a general way, that many of these forms of voting were in common use among the Greeks and Romans, but few men are aware that after the decline of the states of antiquity nearly all the forms of voting lay in abeyance for six or seven centuries, to be revived or rediscovered by the communes of northern Italy. Much controversy and discussion has arisen over the history of the ballot and other forms of voting in modern times. The present writer, however, sees no reason to doubt that the revival of all forms of voting used in modern times is due to the activity of these towns of Italy.

Among the Greeks,<sup>1</sup> as we should expect, the highest development of electoral processes was attained by the Athenians. In Sparta, where constitutional development was much less marked, the modes of voting were much cruder and, as Aristotle says, almost childish.<sup>2</sup> At Athens, for legislative purposes, the ordinary process of voting was by show of hands,<sup>3</sup> but in special cases where the

<sup>1</sup> For general treatises on the whole subject of Greek modes of voting see K. F. Hermann, *Lehrbuch der Griechischen Alterthümer*, 6th ed., 1889-1892, I. 155 ff., 478 ff.; G. Gilbert, *Handbuch der Griechischen Staatsalterthümer*, I. 52-57, 240, 295-347 *passim*; and I. Müller, *Handbuch der Klassischen Alterthumswissenschaft*, IV. pt. I., 2nd ed., 1892, pp. 82-84, 152-176. For Athens see J. W. Headlam, *Election by Lot in Athens*, 1891.

<sup>2</sup> Aristotle, *Politics*, II. 9.

<sup>3</sup> Aristotle, *Athenian Constitution*, Chap. 43.

questions to be settled were of greater weight, cases such as the granting of citizenship, the removal of civil disabilities, the ostracism of a citizen, the assembly voted by ballot.<sup>1</sup> In the election of officials the Athenians resorted almost entirely to the use of the lot; but military officers and a few other officials whose duties were largely technical or whose office required special training, were chosen in the general assembly (*Ecclesia*) by show of hands.<sup>2</sup>

In Rome, the processes of voting were even more elaborate than in Greece.<sup>3</sup> In the senate, after the question had been stated, the first step in the deliberation partook partly of the nature of a debate, partly of the nature of an informal vote,<sup>4</sup> each senator declaring his opinion, with or without statement of his reasons. When this process was completed, the chairman summed up the debate and led the assembly on to a vote. The vote was always taken by division (*discessio*); the presiding officer, after putting the question, required the affirmative to take places on one side of his rostrum, the negative on the other. When the division was complete the president announced the result: *Haec pars major videtur*.<sup>5</sup>

In the assemblies where the vote was cast not by individuals, but by voting units, the *Curiae*, the centuries, or the tribes, the process was necessarily more complicated. After discussion of the question had taken place, or the names of candidates who had offered themselves for election had been presented to the assembly, the voting units were assigned to their booths (*saeptrae*); when all the voters had been gathered, tellers were assigned who took their station at the outlet (*pons*) of the booth. Then each man, as he stepped forth, voted either for or against the proposition, and the teller pricked the vote on one or the other of the two tablets which he held as tallies; or the voter, as he stepped forth, gave in the name of his candidate, and the teller recorded it on the tablet on which the name of that candidate was inscribed. When this individual vote was accomplished the tellers handed in the results to the president, who in turn announced the results to the assembly.<sup>6</sup>

This was the regular and invariable process down to the last half of the second century before Christ. In the years between 140 and 130 B. C., a series of laws were passed which introduced the

<sup>1</sup> G. Gilbert, *Handbuch der Griechischen Staatsalterthümer*, I. 332, 346.

<sup>2</sup> Aristotle, *Athenian Constitution*, Chap. 43.

<sup>3</sup> For general treatises on the whole subject see: T. Mommsen, *Römisches Staatsrecht*, 1887-1888, III. 389-410, III pt. 2, 962-1003; I. Müller, *Handbuch der Klassischen Alterthumswissenschaft*, 2nd ed., IV. pt. 2, 1893, 124-127, 148-167; I. Gentile, *Le Elezioni e il Broglio nella Repubblica Romana*, 1879.

<sup>4</sup> Mommsen, III. 962 ff.

<sup>5</sup> Mommsen, III. pt. 2, 991-992.

<sup>6</sup> *Ibid.*, III 397 ff.



ballot, first in the election of magistrates, and later in legislative proceedings. The mode of voting from this time forward was as follows: As the voters entered the booths they were given ballots (*tabellae*). These ballots differed according to the subject under discussion: if the vote to be taken was on some law the tablets were marked VR (*uti rogas*) and A (*antiquo*); if the assembly was gathered for an election, the tablets were plain, and the voters inscribed on them the name of the candidate for whom they wished to vote. Each citizen as he passed out of the booth of his voting unit deposited his ballot under the supervision of tellers (*rogatores*) and watchers (*custodes*) in baskets. When the voting was completed the baskets were carried off to some special place called the *diribitorium*, where they were emptied. Here the ballots were sorted and counted, and the results recorded. When this was done the result was announced as under the old method.<sup>1</sup> With the establishment of the empire, the election of magistrates and whatever legislative functions the assemblies had retained passed over to the senate; along with these functions the senate adopted the ballot, which down to the time of Tiberius had never been used by that body.<sup>2</sup> Freedom of action, however, was lost to the Roman people, and electoral and legislative processes inevitably decayed till they were lost in the night of the fifth and sixth centuries of our era.

Just when these processes were revived the writer is not now prepared to say. That all of them had attained to full vigor by the end of the thirteenth century is, however, established beyond the shadow of a doubt by our sources.

The commonest form of voting in the Middle Ages, for a long time probably the only form of voting, was the *viva voce* vote. In all except the smallest bodies any other form was practically impossible. No such elaborate machinery for recording and counting votes as modern assemblies have evolved existed, and further, the expression of opinion by the mass of men was a much more perfunctory matter than it is at present. In large bodies like the *Parlamento*, the general assembly of the Italian communes, discussion was impossible; the people when they met were called upon to listen to the words of chosen orators, and when the question had been stated to them in this way all that was left for them to do was to approve or disapprove by such methods as a crowd commonly uses. If they were satisfied they signified their approval by shouts of commendation, if they were dissatisfied they murmured or cried down the speaker, or even at times proceeded to violence and in extreme cases to bloodshed. Whatever the theory of the *Parlamento* may have

<sup>1</sup> Mommsen, III. 400 ff.

<sup>2</sup> *Ibid.*, III. pt. 2, 992.

been, in practice it acted in the way described. At its best the body had all the defects of a popular assembly in which no attempt was made to allow due time for careful preparation.<sup>1</sup> The inefficiency of such a body became more and more manifest as the state developed, and in the thirteenth century its functions are absorbed by the smaller councils and its meetings become more and more occasional. In the smaller councils the ordinary business must likewise have been transacted very largely by *viva voce* voting, though the tendency to restrict this method of voting grows strong enough in the second half of the thirteenth century to produce positive legislation against it. Evidences of this fact are to be found in the statutes of Parma<sup>2</sup> and Ferrara<sup>3</sup> passed in the latter half of the century and in the statutes of Ivrea contained in the code of 1328.<sup>4</sup>

In place of the *viva voce* vote the communes begin to use the various modes of voting common in modern assemblies. Scattered through the statutes of the cities we find references to the division, to the rising vote, and finally to the ballot.

Evidences of the division and the rising vote, while they are not very numerous, extend over a territory wide enough to indicate that they were known and probably used in most of the assemblies of the communes. Just what the process of division was is not entirely clear. In all probability, however, it approximated the earlier Greek and Roman practice where an actual division of the body was made. Thus the statutes of Parma speak of a vote taken by dividing the assembly *per medium palacium*,<sup>5</sup> the statutes of Novara of a *partitum ab uno latere ad aliud*.<sup>6</sup> That the process was already well known when these statutes were passed, is apparent from the fact that no explanation is given of the mode in which the division is to be accomplished; the name sufficed; and consequently we are left in the

<sup>1</sup> For a general description of the *Parlamento* see almost any manual of medieval Italian institutions. A very good article is to be found in G. Rezasco's *Dizionario del Linguaggio Italiano Storico*, 1881, pp. 752-754, where numerous references on the subject are given. For more exact information on the assembly in particular cities see Davidsohn's *Geschichte Florenz*, 1896, pp. 74-76; Caro's *Verfassung Genuas zur Zeit des Podestas*, 1891, pp. 24-28.

<sup>2</sup> "Capitulum quod aliquis officialis communis non eligatur in aliquo consilio generali vel alibi ad vocem et Potestatis teneatur non permittere aliquem eligi, nec etiam nominari ad vocem et si contra factum fuerit electio nulla sit." *Statuta Communis Parmae* in *Mon. Hist. Parm.*, II. 47. See also, *ibid.*, I. 20.

<sup>3</sup> *Statuta di Ferrara dell' Anno 1288*, Liber II., c. 5.

<sup>4</sup> *Statuta Eporediae*, in *Mon. Hist. Patriae*, L.L. II. 1116.

<sup>5</sup> *Stat. Com. Parmae*, in *Mon. Hist. Parm.*, II. 57.

<sup>6</sup> *Stat. Com. Novar.*, in *Mon. Hist. Patr.*, L.L. II. 556. It is interesting to note that this statute forbids the use of the rising vote in all assemblies and prescribes the division for exclusive use. "Statutum est quod aliquis rector civitatis Novarie in consilio majori vel privato non possit nec debeat facere aliquam partitam sive partitas super aliquo modo sedendi vel levandi, sed faciat ipsam partitam sive partitas ab uno latere ad aliud."

## Forms of Voting in the Italian Communes

dark as to whether the vote was taken by tellers as the house decided itself, or whether a mere count of heads was considered sufficient. Whether all members were required to vote, whether any checks upon possible fraud were used, and all other questions in detail are left entirely unanswered by the statutes.

Evidences of the rising vote are more copious. Comparative numerous references to this form of procedure are to be found in the statutes; still many questions as to the process of taking the vote are left open by the brevity with which the statutes describe it. The procedure is usually spoken of as the *partitum ad sedendum et levandum*,<sup>1</sup> and the phrase seems to indicate that the vote was similar to our modern rising vote, first one side and then the other rising in response to the call of the chairman.<sup>2</sup> That this was the procedure is, however, open to some doubt; in a decree of the commune of Brescia the procedure is briefly described, and from the language used it is possible to account for the phrase *ad sedendum et levandum* by supposing that the question which had been put to an initial vote *ad sedendum* was put a second time more fully *ad levandum*.<sup>3</sup> Or we may conceive that instead of requiring all to rise, as is the modern practice, only one alternative, the affirmative or the negative, was required to rise, the remaining seats being presumed to vote contrary to those who rose. That this was the practice is distinctly stated by a treatise on the Florentine form of government known as the *Discorso sulle Governo di Firenze*. In this treatise the author declares that the question was put only once; those favoring the proposition retained their seats, those opposing rose.<sup>4</sup> If only one side rose, as is stated here, the scheme contemplated that all members of the assembly should be forced to vote, or it was so constructed that the affirmative should have all the benefit of the members who had no opinions on the subject under discussion. In more modern times the rising vote allows all members who have no desire to vote on either side the alternative of retaining their seats during both calls of the chairman, thus avoiding any registration of their opinions.

<sup>1</sup> See *Stat. Com. Parm.*, in *Mon. Hist. Parm.*, II. 52, 57; *Stat. Com. Novar.*, in *Mon. Hist. Patr.*, LL. II. 556; Gherardi, *Consulti di Firenze*, introd., p. xiii.

<sup>2</sup> Gherardi (introd., p. xiii) so interprets the phrase. He declares: "ma chiaro apparisce, s' io non m' inganno, che la votazione constava, perdir così, non di uno solo ma de due successivi e opposti atti dei consiglieri, che quelli cioè che al primo invito si erano alzati, poniamo per approvare, al secondo restavano seduti."

<sup>3</sup> "Item quod Potestas . . . teneatur et debeat facere partitum revolvendo eam, ita quod illud partitum quo semel posuerit ad sedendum iterato ponat ad levandum et quod solum illud partitum reformatur . . . quod obtinet in revolutione." *Stat. Com. Brix.*, in *Mon. Hist. Patr.*, LL. II. 1584 (101).

<sup>4</sup> "Il palese si faceva a sedere e rizzarsi . . . il sedere e rizzarsi facevansi immediatamente l' uno dopo l' altro. Il sedere favoriva, il rizzarsi disfavoriva." *Discorso*, etc., Appendix II., in Capponi, *Istoria di Firenze*, I. 457-458.



The discussion of the processes of voting in the communes has so far been confined to the deliberative side of the assemblies. These councils, however, like the old Roman *Comitiae*, possessed the electoral as well as the legislative franchise, and it is in the exercise of their functions as electors that we find the greatest development of voting procedure. All this development had, of course, two great objects in view, order and secrecy. The questions of policy or government that the councils were called upon to settle were ordinarily not of such a nature that the passions of men were aroused to a great extent, but in Italy, where office-holding, far from being the burden that it was in the boroughs of England in the Middle Ages, was a privilege as highly regarded as it is among the citizens of a modern state, elections aroused men to a display of passions that we can scarcely understand. Toward the obtaining of office and the control of the government much of the energy of the great parties in the communes was directed. Government positions were contended for with as much vigor as they are to-day; the only difference being that men in the twelfth and thirteenth centuries were much more ready to proceed to violence and bloodshed than they are in the nineteenth, and consequently the results of this rivalry were much more visible. The great difficulty in almost all assemblies in the Middle Ages was that on all questions vital enough to cause a division of opinion the ultimate appeal was sure to be to force; men who failed to agree with the majority were given no chance to record their opinions, were not allowed to fight out their battles by deliberative means, but were coerced at once and for all time to submit to the will of the majority. Even the majority was only too often the result of the armed preponderance of a few men over the mass of the people who did not dare to oppose them. Under the communal organization such a state of affairs could not long exist, and the twelfth and thirteenth centuries mark the growth of a series of regular deliberative and elective forms designed to overcome these elements of disorder. The statutes are full of decrees looking toward the reduction and the punishment of all sorts of violence and all sorts of interference with the full exercise of personal liberty.

As to the particular precautions which were taken to prevent fraud and coercion, these will appear as we discuss the processes of election provided by the statutes of the various communes. If we should generalize on these processes we should find that they can be grouped under four heads, namely: (1) election by some external authority, election delegated by the commune to some individual or corporation having no direct interest in the welfare of the body

politic; (2) indirect election, in which the electors do not themselves choose among the candidates but name electors who in turn select the officials; (3) election by lot; (4) election by ballot.

First as regards the election by some external authority. This method, while it was never recognized by any commune in full possession of its municipal rights as a regular mode of election, was, nevertheless, repeatedly adopted as a last resort when party feeling ran so high that choice by the burghers in any regular way was impossible. In passing it may be observed that the institution of the *Podestà*, adopted universally in the latter half of the twelfth and the beginning of the thirteenth century, was in part at least an effort to find a means of overcoming the intense rivalry among the parties in the communes.

Probably the commonest form which the phenomenon of delegated election takes is that where the commune appeals to some individual or group of individuals to choose its magistrate. In Piacenza, for instance, in 1221 Cardinal Ugolino of Ostia in his endeavor to bring the *Milites* and *Populi* to an agreement set up, with the consent of both parties, Otto Mandello, a citizen of Milan, as *Podestà*; again in 1226, the *Podestà*<sup>1</sup> of Milan, Guazone Ruscha, was called upon to settle the disputes of the factions and gave them a Milanese as chief executive;<sup>2</sup> in 1236 the experiment was made a third time, Cardinal Jacobo de Pecoria acting as mediator and choosing Rainerio Zono of Venice.<sup>3</sup> Another case of the same kind occurred in Reggio in 1250 when the citizens sent to Ezzelino da Romano asking him to send them a governor. In response Ezzelino settled upon Ugolino de Sancta Juliana as *Podestà* for Reggio.<sup>4</sup> Such cases are very common; often, however, it is hard to distinguish between coercion on the part of a powerful lord like Ezzelino da Romano or Azzo d'Este and a free delegation of power by the commune.

A peculiar case of delegation of the right to elect a magistrate occurs in a document dated March 6, 1189, in which a small town, Buonde de Porcile, in the Veronese district, delegates to five *Juratos Veronensis Canonice* the power to designate the person who shall choose their magistrate. These five *Jurati* determine upon Adrian, archpresbyter of the cathedral of Verona, and thereupon the election is delegated to him by the town.<sup>5</sup> It is possible that we are here in presence of a commune dependent upon the cathedral chapter of

<sup>1</sup> *Johannis de Mussis Chron.*, in Muratori, *Script. Rerum Ital.*, XVI. 459.

<sup>2</sup> *Ibid.*, 460.

<sup>3</sup> *Ibid.*, 462-463.

<sup>4</sup> *Memor. Poles. Regiensis*, in Muratori, *Script. Rerum Ital.*, VIII. 1117.

<sup>5</sup> *Archivio Veneto*, XXXIV. 171.



Verona. Such cases are common enough, but if this is the state of affairs the document gives no evidence of the fact. It reads like the independent act of a free commune.

In most cases, when the towns were unable to settle their internal difficulties, they appealed to the clergy. When we come to investigate the forms of election we shall see that the clergy were often nominated by the statutes to preside over the elections. We have already noted how the city of Piacenza twice called in a cardinal to compose the hostilities that were going on in the city, and we have seen how the burghers of Buonde de Porcile called upon the canons of the cathedral at Verona to conduct their election. Other examples are numerous: in 1256 the two parties in Milan almost came to blows over an election, and only by allowing four monks, called in for the purpose, to act as electors did they succeed in averting a crisis.<sup>1</sup> Nor is this an exceptional case; others of a similar character occur in other communes.

Another practice, and one much more elaborate than any of those already given, was for the commune to send directly to another town and ask for a chief executive to be chosen as the council of this town saw fit. As an example of this, the choice of Brancalone del Andalo of Bologna as *Senator* of Rome in 1252 is perhaps the most famous. In 1251 and 1252 the city of Rome was in a state of great disorganization; the pope, Innocent IV., had been absent from the city since 1244; first one faction and then another had controlled the city; all things were in an evil condition.<sup>2</sup> Under these circumstances the citizens turned to Bologna and asked that a chief executive be sent them. In answer to this request Brancalone del Andalo, a man of great force and remarkable executive ability, was chosen by the general council of Bologna, and, after receiving hostages from the Romans, journeyed to the city as chief magistrate.<sup>3</sup> This case is so typical that it is useless to multiply examples, though they are common enough.<sup>4</sup>

The election of any official by an external authority was, as stated above, not a process recognized by statute; it was resorted

<sup>1</sup> Galv. Flamma, in Muratori, *Script. Rerum Ital.*, XI. 685-686; *Annal. Mediol.*, *ibid.*, XVI. 658.

<sup>2</sup> Gregorovius, *Geschichte der Stadt Rom*, bk. IX., c. 6.

<sup>3</sup> Cantinelli, *Chron.*, Muratori (Mittarelli), p. 236; Savioli, *Annali Bolognesi*, III. pt. I, 258-259; Gregorovius, V. 273-274. Cantinelli says under the year 1252: "hoc anno commune urbis Romae misit legatos et ambaxiatores suos ad civitatem Bononie, quod mitteret Romam unum probum et electum virum de Bononia pro senatore, qui urbem pacifice gubernaret. Et tunc in generali consilio communis Bononie ad scrutinium electus fuit D. Brancaleonus de Andalo qui illuc ivit et urbem honorifice et potenter rexit quinque annis."

<sup>4</sup> See for example: *Ann. Mediol.*, in Muratori, *Script. Rerum Ital.*, XVI. 658; Galv. Flamma, *ibid.*, XI. 686; Gregorovius, V. 352; *Stat. di Vicenza*, introd., p. xlii.

to only when conditions in the city made the election by the regular and legal method impossible. Under ordinary conditions all elections were conducted either by indirect election, by lot or by ballot, or by a combination of two or more of these processes.

The purpose of indirect election is most manifest. Where a large body of men would find it absolutely impossible to conduct the business of choosing among candidates, a smaller number of men would find it much easier. Indirect election involves some other process as well. The body which chooses the electors must of necessity use one of the forms of voting known to us; and the electors in turn must use some process in selecting among the candidates. For the present we may, however, confine ourselves to a discussion of the problems that indirect election itself presents.

How early this system was adopted it is hard to say. Nevertheless, in almost the very earliest statutes that are preserved to us we begin to get evidences of the indirect election. In Genoa, for instance, in a charter of the year 1147 electors of consuls and electors of electors are mentioned,<sup>1</sup> and from the *Breve della Compagna* for 1157 some idea of the process in these early times may be gathered.<sup>2</sup> The document offers so many questions, however, and so many descriptions of the indirect election as conducted in later times exist that it is better to pass it by and to describe the process as set forth in some later source.<sup>3</sup> Thus in the statutes of Vicenza the process is described as follows. The *Podestà* and council of elders choose once a year five men from each quarter of the city. The twenty thus chosen with the *Podestà* formed an electoral college and chose four hundred good and true men, one hundred from each quarter, to act as the greater council for the succeeding year.<sup>4</sup> In the election of the lesser council of forty exactly the same process was followed, except that instead of choosing five electors from each quarter only two were chosen.

What has been described as taking place in Vicenza took place in other communes in northern Italy in the middle of the thirteenth century. The statutes vary in minor details, but in the broad outlines they are the same. Occasionally we come across details that are interesting enough to be noted; thus in the commune of Parma, according to the statute of 1233, it was the rule that instead of the electors acting together as a college and together choosing enough

<sup>1</sup> *Mon. Hist. Patr., Liber Jurium Jan.*, I., No. 134, p. 131. "Electores consulum et electores electorum" is the phrase used.

<sup>2</sup> *Breve della Compag.*, in *Atti della Soc. Ligura*, I. 176, 185.

<sup>3</sup> On the whole subject of elections in Genoa see G. Caro, *Genova zur Zeit des Podestas*, pp. 34 ff.

<sup>4</sup> *Stat. Com. Vicen.* (ed. F. Lampertico), p. 71.



of the candidates to fill the offices, each elector as an individual chose a certain number of men who were then considered legally elected.<sup>1</sup> In Ivrea, the electors who were chosen by lot were forbidden to retain the lot which they had drawn. Instead of acting themselves they were required to pass it on to a second person, the avowed purpose of the statute being to prevent fraud.<sup>2</sup> That the object of this process was peace and quiet at the election appears very clearly from the careful restrictions put upon the electors. When election by lot has been discussed more will be said of the precautions with which the statutes hedged in the electors after they had been chosen ; at present it is sufficient merely to call attention to the stringent oath that was required of the electors as early as the end of the twelfth century in Pistoia.<sup>3</sup> They were required to swear that they would form no combinations, would not yield to any power outside the city, would neither take nor give any bribes or promises, and would make no oaths or agreements, in short, would do nothing to hamper in any way their action as free agents. They promised to the best of their ability to elect the most fit and powerful man possible, the man who would serve with the greatest honor and credit to the city. This oath, strong as it is, is only an example of what is constantly demanded of the electors later. Purity of elections is the constant aim of these early constitution-makers.

Of the number of electors little need be said. In the earliest days, when the electors were possibly chosen by *viva voce* vote, the number was comparatively small. In Genoa in 1137 the number seems to have been six.<sup>4</sup> In Pisa and Parma in the twelfth century the number was even smaller, three being mentioned as regular.<sup>5</sup> In later years when the electors were chosen by lot or by ballot the number was considerably increased, twenty, thirty and even forty being more common than three or six.<sup>6</sup>

In our earliest sources nothing is said of the actual procedure at elections ; in all probability the assemblies and the electors in these early years still retained the *viva voce* vote for purposes of election as well as for purposes of deliberative voting. In the thirteenth century, when the sources begin to flow more freely, the com-

<sup>1</sup> *Stat. Com. Parm.*, in *Mon. Hist. Parm.*, I. 20.

<sup>2</sup> "Ita quod aliqua fraus inde non possit." *Stat. Epor.*, in *Mon. Hist. Patr.*, LL. I. 1115. See also *ibid.*, pp. 1107, 1124.

<sup>3</sup> *Stat. Civit. Pist.*, in Muratori, *Antiq. Ital.*, IV. 534.

<sup>4</sup> *Ann. Januen.*, in *Mon. Germ. Hist.*, SS. XVIII. 186.

<sup>5</sup> *Breve Consulum Pisanæ*, in Bonaini, *Statuti Pis.*, I. 25 ; *Stat. Com. Parm.*, in *Mon. Hist. Parm.*, I. 20.

<sup>6</sup> *Stat. Com. Bonon.*, in *Mon. Ist. di Romagna*, III. 19 ff ; *Stat. Com. Vicen.* (ed. F. Lampertico), p. 80.

monest, indeed for at least half a century the only mode of election spoken of is the lot. The term most commonly used to describe the lots is *brevia*,<sup>1</sup> though the term *sortes* is not wanting. In the statutes of Brescia, for instance, the term *sortes* is used almost exclusively,<sup>2</sup> while in the statutes of Piacenza the two terms are used interchangeably.<sup>3</sup>

The question of the origin of the use of lots in elections need not detain us long. When the towns first began to use them it is impossible to say. It may be that the introduction of the lot and of indirect election was coincident, but if we assume, as seems likely,<sup>4</sup> that the indirect election preceded the lot, we may assume that the indirect election, while it did away with some of the violence and corruption incident to direct elections, did not entirely remedy the evil. Bribery and corruption, intimidation and violence still continued, and the further step to the choice of electors by lot was introduced. Where the idea of using the lot in elections came from is a question that needs little investigation. The practice of casting lots is as old as the world's history, and when the necessity of a new system of choosing electors arose, the communes must have found on all sides references to this ancient system, the adoption of which seemed to point to a remedy for the evils from which they were suffering.

As to the machinery which the communes used in casting lots, we are fortunately furnished by several of the codes with elaborate descriptions of the procedure. Thus according to the statutes of Bologna for 1245-1250 the election of special counsellors was accomplished as follows. The electoral body, the gild, was assembled by the masters; the electors, nine in number, were chosen by lot. The lots were drawn from a cap by a small boy and given to the members of the gild. From the drawing the masters were excluded since they were forbidden to act as electors. Naturally those who received the marked lots acted as electors.<sup>5</sup>

In Parma much the same practice was in vogue, but the language

<sup>1</sup> If Caro had had a wider acquaintance with Italian sources he would not have made the mistake of supposing that the term *brevia* used repeatedly in reference to elections in Genoa meant a formula for the oath which the electors were required to take. Even the sources for the study of elections in Genoa make it clear that the word *brevia* means a lot; in at least one instance the annalist of the city uses the expression *brevia sive sortes*, thus indicating that the terms are similar. *Mon. Germ. Hist.*, SS. XVIII. 179. See Caro, *Genua zur Zeit des Podestas*, pp. 35 and 91-92, notes 24-28.

<sup>2</sup> *Stat. Bresciana*, in *Mon. Hist. Patr.*, LL. II. 1584 (27) ff.

<sup>3</sup> *Stat. Com. Placent.*, in *Mon. Hist. Parm.*, V. 235; also *Stat. Com. Novariae*, in *Mon. Hist. Patr.*, LL. II. 560.

<sup>4</sup> Likely because the evidences of the indirect election antedate those of the election by lot by several decades.

<sup>5</sup> *Stat. Pop. Bon.*, in *Mon. Ist. di Romagna*, I. 9.

of the statutes makes it much clearer that the purpose of the lot was to avoid fraud and violence. Indeed the rubric of the statute reads: "*Capitulum ad evitandum quod aliquis qui non sit de consilio generali debeat stare ad sortes recipiendas, et ad evitandum contentiones super hoc.*"<sup>1</sup> Here instead of having one cap, two are used. As the names are called, the councillors are required to answer and leave the chamber, in order that no one may try his chance twice or answer for an absent member. During the drawing the members are forbidden to stand near the chairman's platform under penalty of a heavy fine.

Under the statutes of Brescia, which bear a later date, the practice is much more elaborate than either of those described. The names of the councillors were placed in a bag and as many lots black and white (*sortes nigrae et albae*) as there were names were to be provided by the tellers. The tellers, two Minorite friars and two Dominicans, were to mix the names and one by one the names and the lots were to be drawn. Whenever a black lot was drawn, one of the friars recorded the name of the councillor chosen and the quarter of the city from which he came. When the process was completed the names were read, and the list passed over to the chairman, and the electoral college was thus formed.<sup>2</sup>

Beyond a doubt the one thing that the communes were striving for was purity in elections. With this end in view the election was hedged in with all sorts of conditions. In Parma the precautions against repeating were elaborate.<sup>3</sup> In almost all of the cities all persons not directly interested in the drawing of the lots were forbidden to come within three or four yards of the polling-place.<sup>4</sup> In Bologna and Sienna the statutes decreed that the lots marked and unmarked shall be identical in form and substance, so that no one can discern the one from the other.<sup>5</sup> In order to prevent connivance and collusion the electors were required to take strict oaths;<sup>6</sup> with the same object in view, in many cities no two members of the same family could act in the same electoral college, nor could any elector vote for himself or for any member of his family.<sup>7</sup> Most of all, however, the statutes insisted that the election should follow immediately upon the choosing of the electors.

In some towns the electors were required to give in their votes

<sup>1</sup> *Stat. Com. Parm.*, in *Mon. Hist. Parm.*, II. 39.

<sup>2</sup> *Stat. Com. Brix.*, in *Mon. Hist. Patr.*, LL. II. 1632.

<sup>3</sup> *Stat. Com. Parm.*, in *Mon. Hist. Parm.*, II. 39.

<sup>4</sup> See, for instance, *Stat. Com. Brix.*, in *Mon. Hist. Patr.*, LL. II. 1584 (200); and *Stat. Bonon.*, in *Mon. Ist. di Romagna*, III. 110-111.

<sup>5</sup> *Stat. Bon.*, as above, 35-36; *Const. Com. Senarum* (ed. Zdekauer), 56.

<sup>6</sup> *Stat. Pistor.*, in Muratori, *Antiq. Ital.*, IV. 534.

<sup>7</sup> *Stat. Com. Bon.*, in *Mon. Ist. di Romagna*, III. 36, 38, 40.

openly to tellers appointed for that purpose.<sup>1</sup> In Brescia, for instance, the statute requires that the tellers, with the notaries of the *Podestà*, shall take their place at the voting-stand, and those who have received the lots shall require the notaries to write down the names of the persons whom they select as they advance, in turn, to the voting place. Each elector, after he sees that the notary has written down a name, shall require the tellers to read the name which has been written and the office to which the person designated has been elected. No one holding any office in the commune shall be present while the voting is going on.<sup>2</sup>

The more common practice, however, was for the electors to form themselves into a sort of conclave in which the election must be accomplished within a definite period of time, usually three days.<sup>3</sup> In order to remove them entirely from outside influences, they were shut up in a room, removed from all communication with any members of the commune,<sup>4</sup> and, if they failed to accomplish their task in the prescribed time, they were either dismissed<sup>5</sup> or were forced to continue their deliberations on short rations<sup>6</sup> till the election was accomplished. This procedure had been completed at least as early as 1223. In the annals of Piacenza for that year we find an account of a conclave held in that city for the election of a *Podestà*. Owing to the bitter hostility of the parties the electors were unable to come to any agreement, and the commune was forced to dismiss them and to choose a second set of electors to accomplish the task.<sup>7</sup>

At this point we come very near to a subject of considerable interest, namely, the connection, if any connection existed, between the development of papal elections and communal elections. Just as the twelfth and thirteenth centuries are the centuries in which the

<sup>1</sup> *Stat. Com. Parm.*, in *Mon. Hist. Parm.*, II. 39-40; *Stat. Brix.*, in *Mon. Hist. Patr.*, LL. II. 1584 (162-163).

<sup>2</sup> "Item quod quando eligantur officiales ad sortes precones debeant stare tantum ad parlatorium . . . et ille qui accipit sortem officialis debeat primo facere scribi per notarium potestatis officialem quem eligit et postea dicat et denuntiet preconibus ut debeat nominare officialem quem eligit et ad quod officium electus sit . . . et quod nullus ministralis stet ad consilium quando dantur sortes." *Stat. Brix.*, as above, 1584 (163-164).

<sup>3</sup> *Stat. Vicens.* (ed. F. Lampertico), 80; *Stat. Com. Placent.*, in *Mon. Hist. Parm.*, V. 216.

<sup>4</sup> *Stat. Com. Bonon.*, in *Mon. Ist. di Romagna*, III. 44.

<sup>5</sup> *Stat. Com. Bonon.*, as above; *Stat. Com. Placent.*, in *Mon. Hist. Parm.*, V. 216.

<sup>6</sup> *Stat. Com. Vicens.* (ed. F. Lampertico), 80.

<sup>7</sup> . . . "qui steterint in camera comunis pro potestate eligenda usque ad diem Sabbati proximum, non comedentes neque bibentes. Qui cum in electione potestatis se accordare . . . non potuissent," a new set of electors was chosen, "qui ea die in communis camera fuerunt pro potestate eligenda inclusi . . . qui steterunt in ipsa camera usque ad diem Veneris proximum. . . . Ea vero die divina misericordia concorditer eligerunt in potestatem comunis Placentie D. Nigrinum Marianum." *Ann. Placent. Guelfi*, in *Mon. Germ. Hist.*, SS. XVIII. 438-439.

communes are most actively engaged in the perfection of electoral processes, so the papacy in these years was engrossed in providing a system of elections which should remove it from the numerous dangers which schisms and delayed elections were producing.

The papal conclave which exists to-day is the outgrowth of the activity of the papacy in the thirteenth century. The conclave in its present form owes its origin to the decree of Gregory X. passed at the council of Lyons in 1274. Since 1179, when Alexander III. had issued the decree requiring a vote of two-thirds to elect a pope, the tendency of papal elections had been toward regularity and purity; but during the days of Frederick II., whatever the purposes of the papacy may have been, the cardinals found it impossible to carry on their elections secretly and removed from outside interference. At several of the elections during this century it is probable that the cardinals endeavored to carry out the ideas of earlier popes and to hold their elections removed from all secular interference, but it is not till the year 1274 that the conclave becomes recognized as a part of the procedure necessary in the election of a pope. That the papal and the communal system owed much to each other is probable. That one is the outgrowth of the other is not likely. More probable is the supposition that both arose from the very natural desire to remove the electors of officials from the influences of intimidation and corruption.<sup>1</sup>

The procedure followed by the electors in their secret meetings is nowhere described in the statutes of the earlier days. It is fair to presume that at first they voted much as they did in open council, the purpose of withdrawing them from the public being probably simply to remove them from external influences. In most cases the college acted, no doubt, quite informally, and the election was accomplished without serious difficulties. In cases where the electors failed to agree, however, especially when they were zealously attached to the different candidates, the dissensions and disturbances which had formerly involved the whole body of citizens or at least the council to which the election was entrusted, were now merely transferred to the smaller electoral college. That such divisions did take place is obvious from a glance at the history of the communes, and from the fact that the statutes required that the election be accomplished within a fixed time, and, in the third place, from the fact that the number necessary to a choice was set by the election decree. In Genoa the choice seems, as a rule, to have been a

<sup>1</sup> On the subject of papal elections see Hinschius, *Kirchenrecht*, 1869-1897, I. 239-294; Zoepfl, *Papstwahlen vom 11. bis zum 14. Jahrhundert*, 1871; Souchon, *Papstwahlen von Bonifaz VIII. bis Urban V.*, 1888; Sägmüller, *Papstwahlen von 1437 bis 1555*, 1890; Lector, *Le Conclave*, 1894, especially Chapters III. and IV.

unanimous one, though not necessarily so;<sup>1</sup> in Brescia and in Ivrea a two-thirds vote was necessary to a choice;<sup>2</sup> in Bologna the same proportion, twenty-seven out of forty, or thirteen out of twenty, was preserved;<sup>3</sup> in other cities four-sevenths was the proportion.<sup>4</sup> In all cases more than a mere majority was required to elect a candidate to office.

In some towns, instead of only one candidate, three were chosen: in such cases the procedure must of necessity have been different. In Vicenza, for instance,<sup>5</sup> the electors were required to choose three candidates within three days, on pain of being deprived of food till they accomplished their task if they exceeded that limit. The names of the three were announced to the Council of Four Hundred "et in eodem consilio ad partitum ponantur cum tribus bus-solis ad ballotas," and he who received the most votes was called to accept the magistracy.

The phrase which I have just transcribed brings us to the most interesting part of our subject, the introduction and use of the ballot in the Italian communes. It is obvious that while the various amendments introduced into the procedure at elections so far described did much to remove the violence attendant upon the choice of candidates, while they made corruption and intimidation more difficult, still bribery and intimidation continued in large part unabated. A man who must vote openly in an electoral assembly was at the mercy of his companions. He might be threatened with punishment for an adverse vote by one man as well as by fifty, and in this respect the indirect election was still defective. Order had been procured or at least disorder had been minimized, but as yet the most essential element of pure elections, secrecy, was lacking. This element was introduced when the ballot was adopted by the towns for use in their elections and in their legislative deliberations. That this process of advance was at all regular, or even that men advanced from one step to another entirely conscious of the progress they were making, is not to be thought of. The fact remains, nevertheless, that between the beginning of the twelfth century and the end of the thirteenth the communes had moved onward from direct *viva voce* voting to the indirect election conducted under the secrecy of the ballot.

<sup>1</sup> *Ann. Januen.*, in *Mon. Germ. Hist.*, SS. XVIII. 159, 160.

<sup>2</sup> *Stat. Com. Brix.*, in *Mon. Hist. Patr.*, LL. II. 1584 (238); *Stat. Com. Epor.*, in *Mm. Hist. Patr.*, LL. I. 1107.

<sup>3</sup> *Stat. Com. Bonon.*, in *Mon. Ist. di Romagna*, III. 19 ff.

<sup>4</sup> *Stat. Com. Placent.*, in *Mon. Hist. Parm.*, V. 246; *Stat. Potest. Pistor.* (ed. Zdekauer), p. 17.

<sup>5</sup> *Stat. Com. Vicen.* (ed. F. Lampertico), p. 80; *Discorso sulle Governo di Firensi* in Capponi, *St. di Firenze*, I. 557.



Just when and where the ballot was first used in northern Italy, how it came to be revived, and whether it was first used in deliberative or electoral assemblies, cannot be stated with entire certainty. Probably it was first used in deliberative voting and later was adopted for use in elections. In support of this probability several arguments may be advanced. In the first place, the use of the word ballot would seem to support this contention. The word means originally simply a small ball; these balls, as we shall see shortly, were commonly beans, white ones to signify affirmation, black ones to signify negation. Now it is scarcely probable that beans would have been decided upon for use in elections where distinctions between candidates were to be made, while it is entirely conceivable that they should have been adopted for use in deliberative voting. In the second place the earliest cases of election by ballot, as we shall see shortly, approximated very closely to the election by lot. The ballot and the ballot-box having been introduced for use in deliberative voting, what was more natural than that the assembly when sitting for the election of magistrates should appropriate the very convenient machinery for casting lots? Finally, the first definite reference to the use of the ballot in legislative proceedings antedates the first reference to its use in elections by almost twenty years.

It is probable that the use of the ballot in deliberative voting was revived some time in the first half of the thirteenth century. As early as 1246 the statutes of Brescia prescribe the vote by ballot in certain cases and content themselves with simply mentioning the process without describing it further.<sup>1</sup> From this time on the statutes of Brescia are full of references to the ballot, though never to the ballot in use at elections.<sup>2</sup> What is here referred to merely by name, we find fully described in other places. In the statutes of Vicenza, codified in 1264, there is a decree which provides that balloting shall take place as follows: All propositions placed before the Greater Council and the Council of Forty shall be decided by the use of the ballot. The councillors are required to advance one at a time and deposit their ballots with care, so that no one shall see how they have voted.<sup>3</sup> When we have as much information as

<sup>1</sup> . . . "quod non fatiet expensas aliquas de avero comunis, nisi secundum quod per consilium comunis Brixie reformatum cum busolis et ballotis provisum et dispositum fuerit . . . Edictum fuit hoc capitulum currentibus millesimo ducentesimo quadragesimo sexto" . . . *Stat. Com. Brix.*, in *Mon. Hist. Patr.*, LL. II. 1584 (166-167).

<sup>2</sup> See, for instance, *Stat. Com. Brix.*, as above, pp. 1584 (167), 1584 (115), 1597, etc.

<sup>3</sup> " . . . ballotas sibi datas in busolis in quibus voluerint taliter deponant quod nemo possit perpendere manum in singulo imponentes." *Stat. Vicen.* (ed. F. Lampertico), p. 72.

is here given, we have all that is really vital; the two great desiderata of all regulations about voting were order and secrecy, and these the present regulations provide for. From other sources we may gather information about the process of voting, the character of the ballots used, the arrangements for depositing the votes, for counting the ballots, and other details. Thus in a decree of 1279 in Brescia we get a most minute description of the procedure. The decree first prohibits the use of the rising vote; it then enacts that the chairman shall put the question and see that all the voters are provided with ballots. He must then instruct them as to the position of the boxes and warn them to exercise due care in casting their votes. All the paraphernalia must, according to the decree, be constructed on a particular model. The tellers are to be chosen from the household of the *Podestà*. They receive their instructions to be particularly careful and alert against fraud, to watch over the distributing, depositing and counting of the ballots, to see that the councillors do not meddle in any way with the boxes.<sup>1</sup> Other descriptions may be found in the statutes of Ivrea<sup>2</sup> and in the *Discorso sulle Governo di Firenze*.<sup>3</sup> As to the character of the ballots used, in most cities these were black and white beans,<sup>4</sup> in one city at least, Florence, the ballots seem to have been made of lead.<sup>5</sup>

Turning now to the subject of elections by ballot, a series of questions are presented to us. Just how early the election by ballot occurs is difficult to determine. Stray references to what may have been elections are found in the early years of the century. Thus in a chronicle of Venice, under the year 1204, we have the following statement concerning the election of an emperor of Constantinople: "Habita civitate XII eligendi pariter electi, dum de idoneori ad imperium scrutinium agerunt."<sup>6</sup> Now the word "scrutinium," as we shall see, was later regularly used to describe secret elections, and if the chronicle were entirely reliable we should be justified in supposing that the Venetians, who were the prime movers in this election of an emperor in the year 1204, knew and used the ballot as early as the beginning of the thirteenth century. But since Dandolo, the author of the chronicle, wrote a century and a half after this event and at a time when the ballot was already well known in Venice, and since the contemporary writers make no mention of the

<sup>1</sup> *Stat. Com. Brix.*, in *Mon. Hist. Patr.*, LL. II. 1584 (167-168).

<sup>2</sup> *Stat. Com. Epor.*, in *Mon. Hist. Patr.*, LL. I. 1105.

<sup>3</sup> *Discorso*, etc., in Capponi, *Storia di Firenze*, I. 557-558.

<sup>4</sup> See, for instance, *Stat. Pistor.* (ed. Zdekauer), I. li.; *Stat. Com. Parm.* in *Mon. Hist. Parm.*, II. 2, 52, 54, etc.; *Stat. Epor.*, in *Mon. Hist. Patr.*, I. 7, 1105.

<sup>5</sup> Gherardi, *Consulte di Firenze*, introd., p. xiii.

<sup>6</sup> *Danduli Chronicon*, in Muratori, *Script. Rerum Ital.*, XII. 330.



process of election except to say that it took place behind closed doors, we must hesitate long before accepting this as a case of election by ballot. Again, in Milan in 1215, a document was drawn up in which occur these words: "Item statuo quod officiales eligantur ad lapidem more solito."<sup>1</sup>

The words "ad lapidem," in view of the regular form used in describing elections ("ad brevia," "ad levandum et sedendum," "ad scrutinium," etc.) seem at first to indicate that this was to be an election by ballot in which stones or pebbles were to be used. Reasoning from this analogy, the editor of Corio's history of Milan interprets this passage to refer to an election by ballot;<sup>2</sup> but more careful study by another though earlier historian, Giulini, reveals that the phrase simply refers to "The Stone," a sort of rostrum in the market-place at Milan.<sup>3</sup> By the middle of the thirteenth century, however, we begin to come upon references which are much more trustworthy and definite. Under the year 1252, a chronicler of the Bolognese district, who wrote toward the end of the thirteenth century, records that Brancalone del Andalo was elected *Senator* of Rome "ad scrutinium."<sup>4</sup> Whether this phrase refers to the regular form of the ballot known later in the century or not, is, after all, not of the highest importance. In all probability, the election here described, which was an extraordinary one,<sup>5</sup> was accomplished by some extraordinary form of procedure. We know from the statutes of Bologna that in the middle years of this century the regular form of election was still the lot; but it is possible that on this occasion the Bolognese council adopted some form of procedure in which special care was taken to ascertain the results of the election, or they may even have gone so far as to adopt for the time being the papal system of election, which was known regularly as the *scrutinium*.

Of papal elections in the thirteenth century a few more words may be said here. Since the beginning of the century, even before the papal conclave had come into existence, the cardinals, on the death of a pope, were in the habit of meeting together for the election of a new bishop of Rome. The first step in this process was the election of three tellers (*scrutatores*) and three tellers for the tellers (*scrutatores scruta'orum*). The three tellers then wrote down

<sup>1</sup> Corio, *Stor'a di Milano* (edited by E. Magri, 1855-1857), I. 353.

<sup>2</sup> Corio, *Storia di Milano*, I. 375.

<sup>3</sup> Giulini, *Memorie, etc., di Milano* (edited by M. Fabi, 1851-1857), IV. 223-224, 315-317.

<sup>4</sup> "Et tunc in general consilio communis Bononie ad scrutinium e'lectus fuit D. Brancalonus de Andalo." Cantinelli, *Chron.*, in Muratori (Mittarelli), 235, 236.

<sup>5</sup> For more details of the election see page 8, *supra*.

## *Forms of Voting in the Italian Communes*

on tablets the name or names of the candidates whom they were to vote for, and passed them to their tellers who must keep the names secret. Having voted themselves, the tellers went to their places and invited the other cardinals to vote. Each cardinal followed the practice just described, no ballot being revealed until the whole body had voted. Then the tellers opened the tablets and read the names of the cardinals voting and the candidates for whom they had voted for. The results were tabulated on tablets, and if some candidate had received a two-thirds vote he was declared elected. If no one had received the required number of votes the process had to be repeated till two-thirds of the electors voted on one candidate.<sup>1</sup>

The ordinance of 1268, by which the election of the Doge of Venice was put upon a new basis,<sup>2</sup> is cited in most works, especially by writers outside of Italy, as the earliest case of election by ballot in modern Europe. The reason for this is that in Venice the election continued down through the centuries, whereas in many of the communes its use was merely tentative and died out in some cases almost as soon as it was introduced. That the ballot was in use before 1268 is, however, indisputable. In the code of Vicenza for 1264 the election by ballot occupies a regular and well defined place and gives every evidence of having been in use for at least several years previous to the date of the code. The details of the procedure as set forth in that code are not entirely clear; we are nevertheless, sure that the election was a mixture of the lot and the ballot, in which the two processes are not exactly distinguished. Thus in the election of the Council of Elders (*Anziani*), the statute provides that there shall be twelve elders elected by two different processes. First, each of the masters of the eight guilds was to submit in writing to the Council of Forty the names of four good and true men from each guild, from whom eight, one from each guild, were to be chosen, "facto partito cum busolis ad ballotas." Second, eight electors were to be chosen by the council by lot, two for each quarter; these electors selected four worthy men from each quarter, and finally of these that one from each quarter was to be elder, "qui plures ballotas habuerit . . . facto partito modo predicto in

<sup>1</sup> This process is described in Gaetano, *Ordo Romanus*, c. II.—VII. in Mabillon, *Museum Italicum*, II. 247-250. For modern works on the subject see above, page 14, note 1.

<sup>2</sup> A description of this new form of election may be found in any of the histories of Venice; see, for instance, Daru, *Histoire de Venise*, I. 424 ff.; Romanin, *Storia Documentata di Venezia*, II. 289 ff. The main idea of the decree seems to have been to introduce a system of election so complicated that all possibility of corruption should be eliminated. Between the choice by lot of the first thirty electors and the final choice of the Doge, by ballot, nine stages had to be accomplished.

suprascripto consilio et Gastaldis.<sup>11</sup> The process of taking the vote is not described here, but in another statute of the same code some additional light is thrown upon this feature of the system. In the election of the chief magistrate of the city, the names of five candidates for the office of elector chosen from one of the quarters of the city were to be placed in five boxes, one name in each box: these boxes were to be carried around the assembly and ballots deposited in them; and the candidates whose names were in the two boxes having the largest number of ballots were to be declared elected. This process was to be repeated for each of the four quarters of the city and the eight men thus chosen were to act as electors of the *Podestà*.<sup>2</sup> From this description we are unable to determine definitely whether the members of the council knew what name was contained in each of the five boxes or merely cast their ballots haphazard; in other words whether the ballot was conscious or merely a matter of chance. From indications in the statutes of Padua, the immediate neighbor of Vicenza, we are enabled to fill this gap in our understanding of the process. In Padua, instead of passing the boxes around, they were set up upon a sort of rostrum, to which the members came in order to vote. The boxes were guarded by four tellers, who were strictly forbidden to talk to the voters except for the purpose of indicating in which box the name of a certain candidate had been placed.<sup>3</sup> This decree, passed about 1269 and reinforced by several others of about the same date,<sup>4</sup> serves to bring clearly to knowledge the system in use. Only one thing further could be done to keep the election as secret as possible, and that is to withhold the names of the candidates until the voting had actually begun. This was done in at least one town: in Parma in the election of the treasurers, the nominating committee was required to submit the names of candidates in writing; these names were to be kept secret until the election was about to begin, when they were published and the balloting began at once.<sup>5</sup>

The new system, once introduced, spread rapidly, as did all institutions in northern Italy, and by the end of the thirteenth century it had been adopted by nearly all the communes. The burghers seem, nevertheless, to have been able to keep up with the constitution-makers, for it is not long before stringent rules against such malpractices as interfering with the voters, repeating, and stuffing

<sup>1</sup> *Stat. Com. Vicen.* (ed. F. Lampertico), pp. 72-73.

<sup>2</sup> *Stat. Com. Vicen.* (ed. F. Lampertico), p. 80.

<sup>3</sup> " . . . qui nichil dicere debeant nisi nominando buxolis cujuslibet potestatis." *Statuti del Comune di Padova* (ed. A. Gloria), p. 7.

<sup>4</sup> *Stat. di Padova*, pp. 108, 109.

<sup>5</sup> *Stat. Com. Parm., Mon. Hist. Parm.*, II. 44.

the ballot-box had to be made.<sup>1</sup> Whether the communes would have found remedies for these evils we cannot say; the beginning of the fourteenth century marks the decadence of communal life, and with the disappearance of the freedom of the cities the problem of purity in elections also disappears.

Thus from a short study of the history of these communes we may learn that as far back as the thirteenth century men coped with many of the evils that we are fighting; and we are bound to admit that they settled many of them with no small credit to themselves.

ARTHUR M. WOLFSON.

<sup>1</sup> See for instance: *Stat. Com. Brix.*, in *Mon. Hist. Patr.*, LL. II. 1584 (167-168); *Stat. Com. Parm.*, in *Mon. Hist. Parm.*, II. 59.

## MARYLAND'S ADOPTION OF THE FEDERAL CONSTITUTION

### I.

THE importance of Maryland's action in ratifying the Federal Constitution was fully appreciated at the time. Six states had already approved of the new form of government, when Maryland's convention met in April, 1788. The result was in grave doubt in South Carolina, Virginia and New York. New Hampshire's convention had adjourned, without taking final action. North Carolina and Rhode Island were avowedly opposed to changing to the new system. If Maryland refused to ratify, or if her convention adjourned without final action, the forces of Anti-Federalism in the doubtful states would be greatly encouraged and might even win the day. The people of Maryland felt that the eyes of all were on her, and aware of the importance of her course of action, ratified at once and by a decided vote.<sup>1</sup> Maryland had not been a state strongly inclined towards the Articles of Confederation and had held them back for two years, till she had become assured that the western lands would be used for the good of all. There had been full opportunity for discussion, and the well-informed people of the state did not disappoint those who watched anxiously for the decision. Madison wrote to Jefferson<sup>2</sup> on February 19, 1788, that "it is currently said Maryland will be one of the ratifying states. Mr. Chase and a few others will raise a considerable opposition. . . . But the weight of personal influence is on the side of the Constitution, and the present expectation is that the opposition will be outnumbered by a great majority." Two months later, on April 10, he wrote to Washington:<sup>3</sup> "The difference between even a postponement and adoption in Maryland may, in the nice balance of parties here (in Virginia), possibly give a fatal advantage to that which opposes the Constitution."

Washington had been hopeful of Maryland's action from the first. As early as November 5, 1787, he wrote Madison:<sup>4</sup> "So far as

<sup>1</sup> G. T. Curtis, *Const. Hist.*, 2d ed., I. 657.

<sup>2</sup> *Madison Papers*, I. 378.

<sup>3</sup> *Madison Papers*, I. 384.

<sup>4</sup> *Writings*, XI. 182 (Ford's edition). January 1, 1788, writing to Jefferson, he says he still thinks Maryland will ratify. *Writings*, XI. 202.



the sentiments of Maryland, with respect to the proposed Constitution, have come to my knowledge, they are strongly in favor of it. . . . Mr. Carroll, of Carrollton, and Mr. Thomas Johnson are declared friends of it." But he was keen to see danger from Maryland's wavering, and on the eve of the convention wrote Johnson<sup>1</sup> "that an adjournment, if attempted, of your convention to a later period than the decision of the question in this State (Virginia), will be tantamount to a rejection of the Constitution. I have good reasons for this opinion, and am told it is the blow, which the leading characters of the opposition in the next State have meditated, if it shall be found that a direct attack is not likely to succeed in yours. If this be true, it cannot be too much deprecated and guarded against." The postponement in New Hampshire had a bad effect on Virginia. "An event similar to this in Maryland would have the worst tendency imaginable; for undecision there would certainly have considerable influence upon South Carolina, the only other State which is to precede Virginia, and submits the question almost wholly to the determination of the latter."

When Maryland had decided firmly for the Constitution, Washington's last doubt as to its success was removed. He wrote Gouverneur Morris<sup>2</sup> of the situation in Virginia: "I have not at any moment despaired of this State's acceptance of the new Constitution, since the ratification of Maryland by so large and decided a majority." To Benjamin Lincoln<sup>3</sup> he expressed the opinion that Maryland's decision would tend to fix in favor of the Constitution many before undecided and even reluctant delegates who depended on Maryland's decision to confirm their opinion. It has been "strongly insisted upon by the opponents in the lower and back counties," in Virginia, that "Maryland would reject it by a large majority," but this claim had proven false. In his joy, Washington<sup>4</sup> said to Daniel of St. Thomas Jenifer: "Seven affirmative without a negative would almost convert the unerring (*sic*) sister. The fiat of your convention will most assuredly raise the edifice." With Maryland came to the support of the new frame of government a majority of the thirteen states and a great majority of their free inhabitants.

Despite the importance of this portion of Maryland's history, its narrative has never been fully told and has been frequently misunderstood.<sup>5</sup> We will now attempt to give as complete an account as we may from the available sources.

<sup>1</sup> *Writings*, XI. 244.

<sup>2</sup> *Writings*, XI. 240, May 2, 1788.

<sup>3</sup> *Writings*, XI. 261.

<sup>4</sup> April 27, 1788. Bancroft, *Hist. of the Const.*, II. 284.

<sup>5</sup> Vide Miss Rowland's *Carroll of Carrollton*.

Maryland had strong Federal and national leanings. Though she had been last of the states to accept the Articles of Confederation, her delay had really been in the interest of a true national spirit. She voted cheerfully to comply with the Act of Congress of April 18, 1783, and voted to grant the five per cent. duty asked for, in case eleven other states should do the same. She also voted to grant ten shillings on every £100 of property for twenty-five years, as her proportion of the internal fund required by Congress.

We all remember the memorable meeting of the commissioners from Maryland and Virginia at Mt. Vernon, and their deliberations over the respective rights of the two states in the waters of the Potomac and Chesapeake.

The fact is also well known that the state of Maryland was not represented at the meeting of commissioners from all the states at Annapolis in 1786. This fact is often mentioned to Maryland's discredit, as if due to a lack of national spirit or to quarrelling factions in her legislature, but there is another possible view which should not be overlooked. On March 13, 1786, Daniel Carroll,<sup>1</sup> a strong Federalist, wrote a private letter to James Madison, in which he attributed the failure to appoint delegates to an over-caution in behalf of the Union, rather than to disinclination towards a more perfect one. The General Assembly was about to adjourn after a session of four months, when the proposition from the Virginia Assembly for a meeting of commissioners to adjust a general commercial system reached Annapolis. The House of Delegates proposed to elect commissioners, but the Senate feared that the measure would "have a tendency to weaken the authority of Congress on which the *Union* and, consequently, the Liberty and Safety of all the States depends."

They recognized that the measure was adopted by the Virginia Assembly with the best intentions, but they had "just received the Act of Congress of the 15th of February last, by which it appears that Body relies *solely* on the States complying with the Act of the 18th of April, 1783," and they feared that "the idea of commissioners, meeting from all the States on the regulation of Trade, will retard the Act of Congress from being carried into execution, if not entirely destroy it." These timorous Union men thought that "the reluctant States" would be "very willing to lay hold of any thing which will procrastinate that measure," and that "sound policy, if not the spirit of the Confederation, dictates that all matters of a general tendency should be [considered?] in the representative Body of the whole, or under its authority." These views help to show

<sup>1</sup> Carroll's letters are among the Madison Papers in the Department of State.

us why the Federalists were so careful to gain the formal sanction of Congress for every step they took.

At the winter session of 1786, the General Assembly received a letter from the governor of Virginia,<sup>1</sup> dated December 1, suggesting that a convention for amending the Articles of Confederation be held at Philadelphia in the next May. The House of Delegates, on December 21, considered the letter and voted in favor of choosing seven deputies by joint ballot of two houses. The Senate, on the same day, cheerfully acceded to this proposition, and asked for a joint conference, as the subject required the united wisdom of the legislature. They say: "This measure appears to us to be of the utmost importance and most likely, with the least delay, to vest in federal government those powers, which are so necessary to give strength and stability to the union. As the deputies must be clothed with ample authority, we think it would be proper previously to their appointment to determine in a conference of both houses the nature and extent of their power."

The House of Delegates appointed Thomas Johnson, John H. Stone, Samuel Chase, William Paca and Robert Wright on the committee and they met Thomas Stone, Charles Carroll of Carrollton and William Hemsley from the Senate. On January 1, 1787, the conferees reported as follows: "It is agreed that the deputies appointed by this State, or any three or more of them, be authorised on behalf of this State to meet such deputies as may be appointed and authorised by the other States to assemble in convention at Philadelphia, for the purpose of revising the federal system, and to join with them in considering such alterations and further provisions, as may be necessary to render the Federal Constitution adequate to the exigences of the union, and, in reporting such an act for that purpose to the United States in Congress as, when agreed to by them and fully confirmed by the several States, will effectually provide for the same;" and "that the proceedings of the deputies, and any act agreed to in the said convention, be reported by the deputies to the next session of Assembly."<sup>2</sup> No delegates seem to have been chosen until April, when R. Hanson Harrison, Charles Carroll of Carrollton, Thomas Stone, James McHenry and Thomas Sim Lee were chosen. As four of these did not accept the position, Luther Martin, John Francis Mercer, Daniel of St. Thomas Jenifer and Daniel Carroll were chosen to fill vacancies on May 22. Three days later the Assembly voted to pay them, as delegates in Congress were paid.

<sup>1</sup> *Md. Gazette*, February 22, 1787.

<sup>2</sup> The act as finally passed on May 26, 1787, is printed in *Documentary History of the Constitution*, I. 25, 26. Only McHenry accepted, of the list first elected.

While the Convention was meeting in Philadelphia, considerable interest began to be shown in the matter in Maryland. There were three newspapers in the state: one in Annapolis and two in Baltimore town. The former, the *Gazette*, paid but little attention to national politics and was much more concerned with a controversy between Gabriel Duval, Jenifer, and Stone over the management of the intendant's office, or with the refusal of the Senate to pass the truck bill. It does inform us<sup>1</sup> that, in April 1787, the grand jury of St. Mary's County said in its report that: "A cheerful co-operation with our sister States at the ensuing Federal Convention will restore public credit and give the United States of America a rank and consequence in Europe that will be admired by all such as have witnessed the past exertions of patriotism and virtue which so eminently distinguished our glorious revolution." But such bits of information are rare in its sober and quiet columns. The general tone of its few references to such matters is Federalist, though it is worried by the secrecy of the Convention.<sup>2</sup> It reprints James Wilson's great speech at Philadelphia and has a letter from "A Federalist," suggesting that there is danger that the people will elect uneducated men to the ratifying convention and that it would be better to have the Senate, or a body of electors, appoint the members.<sup>3</sup> The Baltimore papers, the *Maryland Journal* and the *Maryland Gazette and Baltimore Advertiser*, are filled with articles on the question. Both papers seemed to lean to the Federalist side, though they printed articles on both sides most impartially. The amount of space given to the subject is extraordinary and the number of articles reprinted from journals in other states shows that there is an intention to give the people the best arguments that can anywhere be found. Often we find a series of articles occupying one entire side of the paper and continued through five or six numbers. The *Maryland Journal* begins reprinting<sup>4</sup> articles on the question as early as April 1787, but original articles from the pen of "Publicola," "Aristides," "Caution," and other local worthies do not appear before the summer. With true journalistic enterprise, the text of the proposed constitution, in its entirety, is given to the readers and occasional new items appear, as to the progress of ratification<sup>5</sup> in the other states. As early as July, Federalist writers are suggesting that the Confederation was merely a tent and that what was wanted in the new Constitution was a castle of durable materials.<sup>6</sup>

<sup>1</sup> *Md. Gazette*, April 26, 1787.

<sup>2</sup> *Md. Gazette*, July 5, 1787.

<sup>3</sup> *Md. Gazette*, October 4, 9, 11, 25, November 8, 22, 1787.

<sup>4</sup> *Md. Journal*, April 17, June 5, September, 1787.

<sup>5</sup> *Md. Journal*, September 25, June 15, October 2, 1787. The *Gazette* (Baltimore) prints Paterson's New Jersey resolves on February 15, 1788.

<sup>6</sup> *Md. Journal*, July 3, 1787.

The autumn election for members of the legislature drew near and the Federalists felt that a set of men should be chosen favorable to calling a state convention. Samuel Chase was a candidate for the legislature from Baltimore town and it had been charged that he said a convention was in every respect improper.<sup>1</sup> The day after the charge was made, Chase delivered an address to a "numerous and respectable body of citizens" at the court-house.<sup>2</sup> In this, he said that the proposed Constitution of the United States would modify the constitution of Maryland and hence the legislature must act on it in the same way as on any other constitutional amendment, namely, by passing the measure at two successive sessions. He asserted that he was not opposed to the Union, but had always maintained the necessity of it and "the increase of powers in Congress." "I think," he said, "the federal government must be greatly altered. I have not formed my opinion, whether the plan proposed ought to be accepted, as it stands, without any amendment or alteration. The subject is very momentous and involves the greatest consequences. If elected, I will vote for and use my endeavors to procure a recommendation by the Legislature to call a convention, as soon as it can conveniently be done, unless otherwise directed by this town." The next day, he sent a note to the journal, stating that he meant to advocate the call of a convention "to consider and decide upon the Constitution proposed by the late Convention for the United States and to appoint the election of delegates to the Convention, as soon as the convenience of the people will permit. I further beg leave to add as my opinion, that the election of delegates to the Convention ought to be as early in the spring as may be."<sup>3</sup>

Chase had the largest vote cast in Baltimore town in the week following and he and his associates polled three-fourths of the votes cast. As Baltimore town was strongly in favor of the Constitution, there is no doubt that his letter and speech had much to do with his majority.<sup>4</sup> His influence was great in the state and, in the previous decade, had done much towards inducing Maryland to declare her independence. He used that influence in a measure against the Constitution. On October 11 the *Journal* published an open letter<sup>5</sup> written by him and signed "Caution." It was addressed to the

<sup>1</sup> *Md. Journal*, September 25, 1787.

<sup>2</sup> *Md. Journal*, September 28, 1787. Ford, *Essays on the Constitution*, p. 325. *Md. Gazette* (Baltimore), September 28. There was no submission to the people of amendments to the Maryland Constitution of 1776.

<sup>3</sup> *Md. Journal*, October 5, 1787.

<sup>4</sup> D. Carroll's letter to J. Madison, October 28, 1787.

<sup>5</sup> Ford, *Essays on the Constitution*, p. 327. Reprinted in the *Md. Gazette* (Baltimore) of October 16.



"Inhabitants of Baltimore Town" and informed them that "an attempt to surprise you into any public measure ought to meet your indignation and contempt." After this rather mysterious statement, he went on to tell the citizens that "determinations that involve the future felicity of a whole people ought not to be taken before the most mature and deliberate consideration and a free and full examination of the subject and all its consequences." There had been a petition circulated, urging the legislature to call a ratifying convention, and "Caution" opposes this, if coupled with "your entire approbation of the New Federal Constitution and your desire that it should be adopted and confirmed by this State, as it now stands, without any amendment or alteration." We see here the beginning of that policy of conditional ratification, on which the Anti-Federalists will insist. Chase tells the people that this petition intends to "draw you into a declaration in favor of the whole system and to bind you hereafter to support it, which you must do, or allege deception or surprise." There will be a convention called without the petition and opinion should be held in abeyance concerning this Constitution. There will be at least three months before the need for a decision. Both sides should be heard in so momentous a question and the motives of any who advise haste may be suspected.

Chase had been in favor of the truck bill, which was one of the many anti-creditor movements of the day,<sup>1</sup> and it had already been charged that he was against the new government because its establishment would leave him and his adherents in irrecoverable ruin. The letter signed "Caution" seemed to some to prove that Chase was insincere. "A Friend to the Constitution," who probably was Daniel Carroll, answered him in the *Journal*<sup>2</sup> for October 16. This letter states that the convention to be called will be one to ratify, not one to "propose amendments or alterations." It urges the signing of the petition,<sup>3</sup> that the legislature may "have the authority of the largest and most promising and manufacturing town in the State to countenance so important a recommendation." The petition is proper, because the Constitution does meet the approbation of the people and because what is needed is to have a convention called "to confirm and ratify." The petition is "necessary at this time, because wanted as an inducement to the legislature to call upon the people to appoint" such a convention. Baltimore is so peculiarly interested in the speedy adoption of the Constitution, that there should be no opposition there.

<sup>1</sup> *Md. Gazette* (Baltimore), September 28, 1787.

<sup>2</sup> Ford, *Essays on the Constitution*, p. 331.

<sup>3</sup> The petition was presented to the House of Delegates on December 1.

During October and November we find numerous articles<sup>1</sup> in the Baltimore papers. In addition to attacks on the Constitution by "Democratic Federalist" and "Centinel," and defenses by "Uncus" and a "Friend to Order," we have a local controversy as to whether Chase and McMechen, the town's delegates, should be instructed to vote for a convention, or left to their discretion in the matter.

Intense interest was manifested in the result in other states. When the Assembly met and summoned the delegates to the Philadelphia Convention before it the Federalists praised warmly Dr. McHenry's speech, while the *Gazette*, with great journalistic enterprise, printed the full text of Martin's argument, running it through several numbers. Daniel Carroll had written to Madison on October 28 that all was going well, and his opinion seems to have been correct, though he made a mistaken prophecy about Chase, thinking that if he was chosen to a convention, he would be "bound to vote to ratify the proposed foederal government, the impression in Baltimore being strong and general in favor of it."

As soon as it was determined that a convention would be called there was discussion as to who should compose it. "A Marylander"<sup>2</sup> writes on the importance of choosing the proper men. The convention should be made impartial, by rejecting salaried officers, senators, assembly-men, and considerable holders of public certificates, that a majority of the members may not be reproached with having consulted pecuniary interests, or the preservation of personal influence more than public good. It was asserted by "many red-hot Whigs" that the Tories and non-jurors were in favor of the Constitution from an aversion to republican government, and, therefore, no non-juror should be chosen "unless generally admitted as uncommonly well versed in the principles of government." Party violence should be avoided; the majority of the people should remember that they are "too enveloped in their occupations to analyze the complicated form of government."

In the legislature, the Senate had received a message on November 24 from the governor concerning the Federal Convention. The message was referred to a committee composed of George

<sup>1</sup> *Journal*: "Centinel," October 30, November 2, November 6; "Federalist," November 9, 30; "Uncus," December 7; "Member of House of Delegates," December 21; reprint of R. H. Lee's and Geo. Mason's Anti-Federal arguments, December 25. *Gazette*: "American Citizen," and reprints of Federal arguments from Oswald's *Independent Gazetteer* in October 5, 9, 12, November 2; "Democratic Federalist," October 26; "Watchman," October 30; "Friend to Order," October 30; "Old Whig," November 2; Anonymous, November 6, 16; "Old Man," November 20.

<sup>2</sup> *Gazette*, December 4, 1787.



Gale, Charles Carroll of Carrollton, John Hall, and Daniel Carroll. Two days later, they reported in favor of holding a convention in March next, for the "assent and ratification" of the proposed Constitution. The resolutions in full are as follows:

"Whereas the deputies lately appointed by the several State Legislatures to meet in convention at Philadelphia, for the purpose of revising the federal system and considering of such alterations and provisions as might be necessary to render the federal constitution adequate to the exigencies of the Union, have reported a constitution for the future government of the United States, which, by an unanimous resolve of Congress, has been transmitted to the legislature of this State, in order to be submitted to a convention of delegates chosen by the people, and this legislature, approving of the opinion of the said convention, that the proposed constitution shall be submitted to a convention of the people chosen in each State by the people thereof, for their assent and ratification,

"Therefore, Resolved that it be recommended to the people of this State to submit the constitution, proposed by the said federal convention to a convention of delegates, for their assent and ratification.

"Resolved: that it be recommended to each county, city, and town in this State to elect the same number of delegates to serve in convention that they are represented by in the most numerous branch of the legislature.

"Resolved: that the qualifications of delegates to the convention and their electors, as to age, residence, and property be respectively the same with those required by the law and constitution of this State for members of the House of Delegates.

"Resolved, that the election of delegates be holden the third Wednesday of January next, at the several places fixed by law for holding the elections for delegates in the General Assembly, and that it be conducted by the same officers, in the same manner, and in the same time.

"Resolved, that the sheriffs and other returning officers in the counties give public notice, by advertisement fifteen days before the election, of the time and purposes for which the election is to be held.

"Resolved, that the delegates so chosen meet at the city of Annapolis on the first Monday in March next and if they assent and ratify the proposed Constitution, that they give notice thereof to the United States in Congress assembled."

On the next day the House of Delegates adopted a different series of resolutions, calling a "convention of the people for their full and free investigation and decision." Their resolutions are less strongly Federal in tone and show the influence of Chase and his friends. They postponed the date of the convention until April 21, which postponement was regarded as unfriendly to the Constitution. The House resolves in full were as follows:<sup>1</sup>

"Resolved, that it be recommended to the people of this State to submit the proceedings of the federal convention, transmitted to the General Assembly through the medium of Congress, to a convention of the people for their full and free investigation and decision.

<sup>1</sup> *Gazette*, December 6, 1787.

"Resolved, that it be recommended to such of the inhabitants of this State as are entitled to vote for delegates in the General Assembly, to meet in their respective counties, the city of Annapolis, and Baltimore town, on the first Monday in April next, at the several places fixed by law for holding the annual elections, to choose four persons for each county, two for the city of Annapolis and two for Baltimore town, to serve in the State convention for the purpose of taking under consideration the proposed plan of government of the United States and that the said elections be conducted agreeably to the mode and conformably with the general rules and regulations prescribed for electing members to serve in the House of Delegates.

"Resolved, that the delegates to be elected to serve in the State Convention shall, at the time of election, be citizens of the State and actually residing therein for three years next preceding the election, residents of the county where they shall be elected twelve months next preceding the convention, and be twenty-one years of age.

"Resolved, that the sheriffs of the respective counties, the mayor, recorder and aldermen or any three of them in the city of Annapolis, and the commissioners of Baltimore town, or any three of them, shall and they are hereby required to give immediate notice by advertisement to the people of the counties, city of Annapolis, and Baltimore town, of the time, place, and purpose of the elections as aforesaid.

"Resolved, that the persons so elected to serve in the said convention do assemble on Monday the twenty-first day of April next at the city of Annapolis and may adjourn from day to day, as occasion may require, and that the same delegates, so assembled, do then and there take into consideration the aforesaid constitution and, if approved of by them or a majority of them, finally to ratify the same, in behalf and on the part of this State and make reports thereof to the United States in Congress assembled.

"Resolved, that the delegates to be elected for Baltimore be residents of the said town and the delegates to be elected for Baltimore County be residents of the said county out of the limits of Baltimore town."

These resolves had been introduced by Mr. Key on the 24th, and had been carried by small majorities, the vote on the postponement of the convention being 24 to 23, and that for inserting the words "a majority of them," so that the convention need not be unanimous in its approval of the Constitution, being 28 to 21. On December 1, the Senate agreed to the House resolutions, so as not to prolong the session, and an adjournment followed the next week. It was determined to print two thousand copies of the proceedings of the Federal Convention and resolves of the Assembly and to send them throughout the State, while three hundred copies of a German translation should be made by the printer in Frederick town and distributed through Frederick, Washington and Baltimore Counties.

On November 23 the House, by a vote of 28 to 22, decided to ask the delegates to Philadelphia to come before it on the 29th and report on their work. Mercer did not come, but the other four were present and spoke. We have no report of the speeches of the

three Federalist delegates, but Luther Martin, the only Anti-Federalist, has left us a complete record.<sup>1</sup> He regretted the secrecy of the Convention, as it prevented him from corresponding with friends about the proposed features. He felt that it was the object of Virginia and the other large states to increase their power by the new Constitution. He gave an account of the proceedings and criticized the Convention's work severely, charging Washington and Franklin with advocating the Constitution because of the increased power given to Virginia, Pennsylvania and Massachusetts. The Federalists laughed at this story of a conspiracy founded by those two statesmen "to subvert the liberties of the United States." The *Maryland Gazette and Baltimore Advertiser*, which had printed Martin's address, prints attacks on it by "A Federalist"<sup>2</sup> and "An American,"<sup>3</sup> and reprints Dickinson's *New Roof*.<sup>4</sup> The conduct of Pennsylvania is closely watched and praised or blamed, as the writers are Federalists or not.<sup>5</sup> The approval by Connecticut encourages the former party,<sup>6</sup> and there is much interest in the attitude of Massachusetts.<sup>7</sup> News comes of Georgia's ratification and wild rumors of a plot in New York to purchase the Anti-Federalists.<sup>8</sup> Open letters addressed to prominent persons appear. "An American" writes to Richard Henry Lee to urge on him arguments in favor of the Constitution.

The *Gazette* prints the resolves introduced into the Federal Convention<sup>9</sup> by Paterson of New Jersey and is criticized for not stating at the time, that Paterson finally signed the Constitution and was one of its supporters.<sup>10</sup> The Annapolis paper arouses itself from its somnolence only once,<sup>11</sup> when "An Annopolitan" endeavors to convince the citizens of the ancient city that they will gain rather than lose by the adoption of the Federal Constitution. He thinks there is a majority for the Constitution in the state, but says that in

<sup>1</sup> *Gazette*, December 28, 1787; January 1, 4, 8, 11, 15, 18, 22, 29, 1788; February 1, 5, 8. The speech was said to have been taken down by a "Customer," but the Federalists (January 1, 1788) maintained that it was written out by Martin himself. See also January 29, for Martin's letter to Thomas Cockey Deye.

<sup>2</sup> January 11, 1788.

<sup>3</sup> January 22, 1788.

<sup>4</sup> January 15, 1788. In the same number is a brief note by "Caveto" on the dangers of arbitrary government; see also February 5.

<sup>5</sup> Vide *Gazette*, January 4, 18, 22, 25, 29, February 1, 19, 1788.

<sup>6</sup> *Gazette*, January 25, 29.

<sup>7</sup> *Gazette*, January 18, 29, 1788.

<sup>8</sup> February 5, 19, 1788.

<sup>9</sup> *Gazette*, February 8, 12. February 8, Federal letter from Gentleman of Kentucky.

<sup>10</sup> *Gazette*, February 15, 19.

<sup>11</sup> January 31, 1788.



every county there are men "exerting their whole power and putting every engine in motion to defeat, as they allege, the deep concerted scheme of a few aspiring, wealthy, and well born." He points out that the new government cannot become an aristocracy, because the people will control it. There will be left to Maryland the control of enough internal matters to take the time of the General Assembly and, as the federal government will probably establish a court at each state capital, there will be two courts at Annapolis. Nay, even the seat of the federal government may be placed there.

During these early months of 1788, the most important publication on the Federalist side is the pamphlet<sup>1</sup> written by the learned jurist, Alexander Contee Hanson, and published under the *nom de guerre* of "Aristides." He entitles it: "*Remarks on the Proposed Plan of Federal Government, Addressed to the Citizens of the United States of America and particularly to the People of Maryland.*" It is an octavo pamphlet, printed at Annapolis, and contains forty-two pages. It is dedicated to Washington and bears on its title-page the following quotation from Montesquieu's *Spirit of the Laws*: "As a confederate government is composed of petty republics, it enjoys the internal happiness of each; and with regard to its external situation, by means of the association, it possesses all the advantages of extensive monarchies." He discusses the three departments of government and defends the provisions of the Constitution with respect to them all. He takes the judiciary power in too narrow a sense, thinking there can be no appeal from a state court to a federal one. He shows that the pretension of North Carolina and Georgia to the West can now be tried in a federal court. The need of a bill of rights is denied.<sup>2</sup> A warm eulogy on the Convention and the plan of a confederated republic is given and this is favorably contrasted with a league and with jarring states. Under the Union, Maryland will gain foreign respect and will no longer be a "poor member of a defenceless system of petty republics." The plan of the new government is not for the rich, but it will be for all "the happiest form of government which the sun ever beheld." Many

<sup>1</sup> Advertised in *Maryland Gazette* for January 10 and 31, 1788, to be sold at 2/9 or 3/8 to cover cost of printing. Reprinted by P. L. Ford in *Pamphlets on the Constitution*, pp. 217 to 257.

<sup>2</sup> On this point "A Farmer" attacks him in *Maryland Gazette* (Baltimore) of February 15. In a letter to the *Maryland Journal* of April 22, "Aristides" asserts that Mr. Robert H. Hanson and Mr. Robert Goldsborough agree with him that the state and federal courts have concurrent jurisdiction, that Congress will determine in what civil cases a jury trial will be allowed, and that every judge may pass on the constitutionality of acts of Congress. He also denies that he is acting through personal ambition, as "Farmer" had declared.

of the foes to the Constitution are paper-money men, whose plans Maryland has just rejected. "Should Heaven in its wrath inflict blindness on the people of America," he cries, "should they reject this fair offer of permanent safety and happiness, to predict what species of government shall at last spring from disorder is beyond the short reach of political foresight." Noah Webster well said of the work, "These remarks are not at all original, but they are very judicious, calculated to remove objections to the proposed plan of government."

The work of the Federalists was so successful that, on February 10, Daniel Carroll wrote to Madison that the plan of the Anti-Federalists was no longer to try to have the proposed Constitution rejected by the convention, but to adjourn its sessions, till Virginia's convention has acted. They will probably fail in this, though some of their publications give strong proofs of a great degree of activity prevailing. On the other hand, Carroll thinks that a few of the federal publications said certain things concerning the conduct of individuals which might better have been omitted. They had been insisting that the Constitution be adopted "with all its faults," as it is "as little exceptionable as anything of the kind that ever came under" their notice. Their expectation was confident that amendments would be made in such parts as would require it.<sup>1</sup> Sentiments that the "new constitution is pregnant with despotism and even that it is dreadful to liberty" have been "chiefly propagated in Maryland by men, whose interests would be deeply affected by any change of government, especially for the better, and those, to whose embarrassed circumstances regularity and order would be exceedingly inconvenient." The independent electors were informed by "Civis" that the Federal Convention was an "august assembly, consisting of men of the most distinguished abilities, integrity," and virtue<sup>2</sup> and that it produced a "system universally admired by those of impartial political erudition and which, upon candid examination by the independent and well affected, is found to be fully calculated to promote the liberty, happiness, and prosperity of all the States in the Union." The papers now are filled with advice to electors, as to whom they should choose as delegates to the convention. They should avoid choosing members of the Assembly,<sup>3</sup> should be "cautious and circumspect" to select men of "property, character, and abilities." These "have too much retired from public employment," since the end of

<sup>1</sup> *Maryland Journal*, January 8, 1788.

<sup>2</sup> *Maryland Journal*, February 1, 1788; *Maryland Gazette*, February 12.

<sup>3</sup> *Gazette*, January 4, 1788.

the war, but it is hoped that they may now "step forth with a true patriotic ardor and snatch their dear country from the dreadful and devouring jaws of anarchy and ruin." The Federalists were urged to keep out of the list of delegates persons in desperate or embarrassed circumstances, advocates of paper-money, the truck bill, or the insolvent act, and those who may expect to escape in a general ruin of the country. "A Clergyman"<sup>1</sup> writes to the country people of Maryland, defending the Federal Convention, and showing that the outlook is gloomy, if this Constitution is not adopted, and that France and other nations may claim part of our soil, to pay the debt we owe them, if we remain without union.

Sometimes the writers were even inspired to burst forth into rhyme. A poem entitled "The Raising for Federal Mechanics" described the erection of the new building and ended thus:<sup>2</sup>

"Huzza, my brave Boys our work is complete,  
The world shall admire Columbia's fair seat;  
Its strength against Tempest and Time shall be proof,  
And thousands shall come to dwell under our Roof;  
Whilst we drain the deep Bowl, our Toast still shall be  
Our Government firm and our Citizens Free."

The Anti-Federalists were no less rhythmical and call the new structure a composite temple.<sup>3</sup>

"All such important high pretensions  
Weigh well, ye ensuing State Conventions,  
Which should you find or just, or wise,  
Smoothed o'er by no deceitful guise,  
But wholesome, virtuous, and true,  
From you they claim attention due.  
But selfish should they prove, or vain,  
Subverting concords sacred fane,  
Diffusing anarchy and strife,  
Those Baneful Pests of social life,  
Reject the whole impious band,  
Ere discord curse the guilty land."

Sorry enough doggerel it may be, but it shows the bent of men's minds. Luther Martin led the Anti-Federalist forces and followed the narrative of his interview in the legislature with a series of letters addressed to William Goddard, editor of the *Journal*, in answer to the popular series, written by Oliver Ellsworth of Connecticut under the *nom de guerre* of "Land Holder."<sup>4</sup> "Land Holder" answered some of these letters and Martin again replied. In the

<sup>1</sup> *Gazette*, February 12, 1788.

<sup>2</sup> *Gazette*, February 19, 1788.

<sup>3</sup> Poem dated at Bladensburg in *Journal* for February 15. The *Gazette* for March 4 has another poem, The Federal Ship.

<sup>4</sup> Reprinted in Ford, *Essays on the Constitution*, pp. 341, 344, 353, 360, 371, 378. *Md. Journal*, January 18, February 29, March 7, 18, 21, 28, April 14, 1788.

course of his letter, Martin attacks "Aristides" and says there is scarcely an individual of common understanding in Maryland, who knows the new Constitution, and "doth not allow it to be in many instances extremely censurable and that a variety of amendments and alterations are essential to render it consistent with a reasonable security for the liberty of the respective States and their citizens." He attacks "Aristides'" interpretation of the federal judiciary and says, if it is so complex that even "Aristides" does not understand it, is it not too intricate a system for common people? If the Constitution is accepted unamended, the new form of government will render the people "mere beasts of the burden" and reduce "you to a level with your own slaves, with this aggravating distinction, that you once tasted the blessings of freedom." There is danger that state rights and those of individuals be subverted and that the state governments be annihilated. The people are warned to "delegate no greater power than is clearly and certainly necessary. To whomsoever power is given, not content with the actual deposit, they will ever strive to obtain an increase. . . . I consider it an incontrovertible truth that whatever, by the Constitution, government ever may do, if it relates to the abuse of power by acts tyrannical and oppressive, it sometime or other will do. . . . Peaceably, quietly, and orderly to give this system of slavery your negative is all that is asked by the advocates of freedom."

With such startling language did the great lawyer seek to alarm the people,<sup>1</sup> but his ideas met with only a partial acceptance. "Sidney" wrote to the working people of Maryland<sup>2</sup> that "we common people are more properly citizens of America, than any particular State," and "Hamden" earnestly exhorted<sup>3</sup> the people to adopt a "Constitution, superior perhaps to that of Great Britain," framed by an assembly of "so many eminent and learned personages, . . . men of candour, sense, and integrity, and also profound politicians." He especially defends the provisions concerning the executive<sup>4</sup> and declares that the Convention seem to have copied the British Constitution "as much as the nature of a republican<sup>5</sup> form of government and that of a limited monarchy would admit." "Paltry pirates annoy and harrass" our foreign trade and carry our citizens into slavery. Our public and private faith are coming to be regarded like those of the Carthaginians of old and yet this admirable

<sup>1</sup> "Grateful" attacks him with satire in *Baltimore Gazette*, February 15, 1788.

<sup>2</sup> *Journal*, February 29, 1788.

<sup>3</sup> *Journal*, March 14, 1788.

<sup>4</sup> Vide also *Gazette*, April 15.

<sup>5</sup> *Gazette*, March 11, "Countryman" queries whether the Constitution will override state laws.

union is opposed by "desperate men, lost to love of country," such as the advocates of paper-money, the truck bill, and the insolvent act.

"Aristides" continues his support of the Constitution in occasional letters, in one of which he again states that he does not think the federal courts can entertain a suit brought by a citizen against a state. He is attacked by "Farmer"<sup>1</sup> and defended by "Plebeian." The latter complains that there is too little general interest in the coming convention and urges the voters to elect and instruct their representatives, using vigilance to "inquire, with the strictest scrutiny, into the sentiments and abilities of those who solicit our favor." No countenance should be given any miscreant, who would "bribe your integrity by the savage-like allurements of a few barbecued sacrifices." This allusion seems to show that there was an absence of other forms of bribery in the politics of the day. "Plebeian" defends the provision for a standing army, and the omission of a bill of rights, and maintains that history cannot show a "model better calculated to support the cause of freedom and at the same time, diffuse an authoritative energy through every part of the political machine."<sup>2</sup>

In addition to the objections of the Anti-Federalists which we have mentioned,<sup>3</sup> they urged that the Senate would engross all powers of government and that Congress might make all Maryland ships enter at Georgetown and, therefore, the merchants would go to Norfolk, and Virginia would be benefitted at our expense. They also asserted that the postmaster-general had prohibited the sending of newspapers through the mails, that the people might not read Anti-Federal articles and that this prohibition was the first step in despotism.<sup>4</sup> The next will be the bridling and throttling of the press. "Farmer" in his able articles insists that the majority of the people wish a union of independent states and sneers at the Federalists as imitators of England.<sup>5</sup> He fears that trial by jury will be overturned by the federal government. Civil and religious liberty will be imperilled, aristocracy and even monarchy are to be feared; "Aristides" is wrong in the moderate view he holds of the power of the federal judiciary. "Neckar" supports "Farmer" and

<sup>1</sup> "Farmer" shows great knowledge of history and is particularly bitter on the standing army and the absence of a Bill of Rights. *Md. Journal*, March 4, 14, April 1. *Annapolis Gazette*, April 3, 1788. *Baltimore Gazette*, February 15, 29, March 4, 7.

<sup>2</sup> In *Gazette*, March 7 and April 4, 18. April 15 it reprints a letter by John Adams.

<sup>3</sup> February 26, the *Gazette* has an article by "Caveto" against arbitrary power.

<sup>4</sup> *Journal*, March 18, 1788, April 22.

<sup>5</sup> *Gazette*, March 18, 21, 25, 28, April 1, 4, 11, 15, 22, 25. March 7, "Betsy Cornstalk," and 18, "Hints for a public print," are melancholy examples of would-be funny articles on the constitutional struggle. April 11, long article in Biblical style comparing the people to Israelites in the Wilderness.



vigorously maintains that "every stipulation should be previous to adoption."<sup>1</sup> New advocates for the constitution enter the field. "A Countryman" writes to the "Country people of Maryland" that the federal taxation will be through excises, and therefore will be no burden. It will be raised from imported luxuries rather than from the landed interest.<sup>2</sup> There is no danger of tyranny, but there is of anarchy, unless America becomes united. "Real Federalists" say that the men opposed to the Constitution are desperate and that the majority of the House, who voted for the truck bill, were needy men. Such men, especially the insolvent debtors, should not be chosen members of the convention, for a man in debt is a slave to his creditor and is liable to be bribed.<sup>3</sup> Men of wealth, judges, senators and members of the Philadelphia Convention should be chosen.

We know little of the campaign in the counties. In Montgomery County John Mason of Virginia came over and made Anti-Federalist speeches in answer to Federalist ones made by William Dorsey, a lawyer.<sup>4</sup> The vote of the county was three to one in favor of the Federal candidates.

In Anne Arundel County<sup>5</sup> the powerful influence of the Carrolls and the Worthingtons was cast for ratification without amendment and no opposition appeared until a few days before the election. Then the opponents nominated Jeremiah T. Chase, John F. Mercer, who had been in the Federal Convention, and Benjamin Harrison. For a fourth candidate, they wished Governor Smallwood, but he was in Charles County and could not be reached in time. The name of Samuel Chase was then proposed, apparently without his knowledge. He came to Elkridge and Annapolis to speak against the Constitution. Through their vigorous efforts the Anti-Federalists carried the county. There was some criticism of Chase, who was still a member of the House of Delegates from the Federal town of Baltimore, for being chosen as an Anti-Federalist from one of the

<sup>1</sup> *Gazette*, March 25, April 11. "Insolvent" answers him sarcastically in *Journal* for April 1 and April 22 and attacks him for saying that the new government will not be responsible for the old debts.

<sup>2</sup> *Gazette*, March 4, April 4. "Tully" defends the Constitution, as does "Fabius" in April 22.

<sup>3</sup> March 21, 1788, *Journal*. *Vide* also April 4, 25.

<sup>4</sup> *Journal*, March 28, April 4.

<sup>5</sup> *Journal*, April 18. April 1, "Farmer and Planter" writes long Anti-Federal articles saying that loss of liberty is threatened, that the rich are for the Constitution and have nominated the four richest men in Anne Arundel County. He grumbles about the excise, says that under the Constitution people may have to go to Georgia to vote for representatives and, if they refuse to pay the odious federal poll tax, the militia of Philadelphia, Boston, etc., may come and ravage the country.

counties.<sup>1</sup> His friends answered that he had never disclosed his sentiments, till he moved and carried in the House of Delegates the resolution to recommend the people to submit the proceedings of the Federal Convention to a state convention for their full and free investigation and decision. They maintained that the so-called Anti-Federalists were the true Federalists, and that the so-called Federalists were really Nationalists. One of the clergymen in the Baltimore presbytery had even gone so far as to say that "the sooner the state governments were abolished the better."

Washington County, in the extreme west of the state, was overwhelmingly Federal and "if there had been a respectable opposition," the Federal vote would have been more than doubled, "as the inhabitants were in readiness in the remotest parts," but the unanimity of the centre of the county rendered a larger Federal vote unnecessary.

Harford and Baltimore Counties each elected four Anti-Federalists. Every other county sent a solid Federal delegation. There were, therefore, only twelve Anti-Federalists in the convention, although some of the rest were in favor of compromises. It had been thought at first that the opposition would be larger and it was even rumored that twenty-five Anti-Federalists had been chosen.<sup>2</sup>

Concerning the campaign in Baltimore town, where two delegates were chosen, and Baltimore County, which sent four delegates, we have the fullest details. The Federalists were at work betimes. They urged the freemen of Baltimore town to choose two pledged men,<sup>3</sup> preferably members of the Federal Convention. Conditional ratification is deprecated since this in fact "amounts to an entire rejection of the whole, because there is no provision made for taking up such a proposal or rendering it of any effect. . . . We, who are Federalists, should vote for and support with all our might two able upright Federalists, whom we know to be decidedly Federal, upon the most permanent and fixed principles." Underhand dealing must be guarded against and Baltimore must not be permitted to be the only seaport to disgrace a convention by Anti-Federal representatives. A little later, "Decided Federalist"<sup>4</sup> complains of the supineness of Baltimore town and county. Probably

<sup>1</sup> *Gazette*, April 18, 22, 1788. Daniel Carroll writes to Madison, May 28, 1788, that Anne Arundel was supposed to be Federalist without opposition until four days before the election. Then J. T. Chase and Mercer signed and distributed a hand-bill which alarmed the people. Mercer made wild assertions such as that the French interest was with the promotion of the Federal Constitution and that the Philadelphia Convention wished trial by jury to be taken away. "Many repent their error."

<sup>2</sup> *Annapolis Gazette*, April 10, 1788.

<sup>3</sup> *Journal*, February 19.

<sup>4</sup> *Journal*, March 14, 1788.

not over one hundred will come in from the county to vote. It will be remembered that a man with property in both places had two votes. "A rich intriguing Anti-Federalist character" will send what delegates he pleases, by means of the numerous hands he employs and the inhabitants of the precincts, a knot always under his command. "Federalists should keep out all insolvents on the Black List. A certain man formerly attacked by the family most dipped in the Black List<sup>1</sup> now courts their interest. Let him declare for the Constitution and not be a trimmer. He is of extensive historical knowledge and general acquaintance throughout the continent." George Lux of Chatsworth answers this attack in a long letter, in which he states that he is the man "Decided Federalist" means.<sup>2</sup> He had been secretary to the foreign committee of Congress in 1777, when it met at Baltimore, and had proposed Annapolis as the permanent residence for Congress. Lux states that in the beginning a dozen freeholders, who favored the republican principle that one office was enough for any man, met and nominated John Cradock, Capt. Charles Ridgely of Wm., and George Lux.<sup>3</sup> For the fourth place Benjamin Nicholson or Thomas Jones was suggested. Lux opposed their nomination, as they were judges, and therefore interested in opposing any abridgment of state governments, though necessary to the Union. They finally agreed on Aquila Hall, as a lawyer who could judge of the advisability of adopting the article concerning the federal judiciary. Hall removed to Harford County, so James Gittings was nominated. Lux had not yielded to the influence of the Ridgelys, but wanted impartial representation and unpledged delegates. The ticket was so selected as to represent all parts of the county, geographically. Capt. Ridgely was against the Constitution. Lux said he wished for union and thought the good parts of the Constitution outweighed the bad ones. The compromise as to representation in Congress was a most "masterly one" of contending interests. At some future time, Lux wishes another general convention, but not now, because of the discordant views of the opposition. Another group of voters had nominated Harry Dorsey Gough, a pronounced Federalist, a non-juror during the war on account of his religious opinions, and an assembly-man,<sup>4</sup> Thomas

<sup>1</sup> The Ridgelys.

<sup>2</sup> *Journal*, March 25, 1788.

<sup>3</sup> In the *Gazette* for February 8, "A Farmer" says Lux, Cradock, and Ridgely of Wm. are too young to go to the convention. It were better to choose Deye, Charles Ridgely and two others about fifty years old. February 12, "A Marylander" tries to be impartial, says that Luther Martin goes too far, that no assembly-men should be elected to the convention and that Deye does not want election and should not be voted for.

<sup>4</sup> Lux says he was "too long estranged from public affairs and a party man."

Cockey Deye, and Charles Ridgely, cousin of the Captain. As election drew near,<sup>1</sup> the candidates realigned themselves, and Gough, Cradock, Gittings, and Lux appealed to the Federal voters. Lux objected to be pledged, saying a "six years old child can lisp yes," and so his name was withdrawn and that of John Eager Howard substituted. Deye also withdrew and the two Ridgelys with Col. Edward Cockey and Nathan Cromwell were the Anti-Federal candidates.

It was asserted at first, that the Federalists were elected,<sup>2</sup> but the final returns gave the Anti-Federalists a majority. On the face of the returns, Gough received 787, Cradock 774, Gittings 773, and Howard 771; while Charles Ridgely had only 682, Charles Ridgely of Wm. 678, Edward Cockey 645, and Nathan Cromwell 630. It was charged that at Dewitt's House, where there was a poll,<sup>3</sup> town men, some of them "apprentice boys, servants and slaves having no property in the world," voted Federal tickets, and the sheriff declared the Anti-Federalists elected by great majorities. On this election there is an interesting and curious article by "Solon" in the *Baltimore Gazette*.<sup>4</sup> He maintains that, with respect to the new Constitution, the people are in a state of nature, that the Constitution is adopted by "the people of the United States" and, therefore, Maryland's legislature has no right to dictate the method of election of delegates. A man should be allowed to vote for delegates to the state convention at the place where he happened to be on election day.

In Baltimore town,<sup>5</sup> the Federal victory was decisive. James McHenry, who had been in the Philadelphia Convention, and Dr. John Coulter were nominated by that party. The Federalists said there was "never greater unanimity" than in the election; McHenry and Coulter were not nominated until the second day of the election, but they obtained "the general suffrages of their fellow-citizens," because the people were "of the opinion that the ratification of the Constitution ought to precede any amendments and that it would be injurious to our common interests, to delay its ratification in the hope of obtaining them in any other manner than prescribed by the Constitution."<sup>6</sup> After the election, a procession

<sup>1</sup> *Journal*, April 4, 1788.

<sup>2</sup> *Gazette*, April 11, 1788.

<sup>3</sup> Held by a coroner and two justices of the peace. Legality of it attacked forcibly by "Casca" in *Gazette* of April 18. On negroes voting see letter by J. V. L. McMahon in *Baltimore Sun* for January 21, 1867.

<sup>4</sup> April 15, 1788; *vide* also the issue of April 25.

<sup>5</sup> *Gazette*, April 18, 25. "Publius to the great Majority of the Voters of Baltimore Town" writes Federal articles and attacks Chase.

<sup>6</sup> *Gazette*, April 11.

said to number one thousand people paraded through the town, preceded by the United States flag and a small decorated ship, the *Federalist*.<sup>1</sup> "Such was the mildness of our clime that during her whole voyage," writes the reporter, "she met not a single anti-federalist blast to ruffle her sails." In the procession were ship-builders, tradesmen, merchants and manufacturers.

The Anti-Federalists maintained that the commissioners permitted all freemen over twenty-one years of age to vote,<sup>2</sup> so that votes were cast by men who had not been a week in the town and by others who were not naturalized Americans, but were subjects of Great Britain and Ireland, France and Holland. They charged that there were other irregularities. The commissioners took no oath as judges of election, and adjourned the election when they desired. On Wednesday of the election, which lasted three days, many men, including foreign sailors and servants armed with bludgeons, took possession of the polls and prevented peaceable German citizens from voting. It was admitted that over 250 illegal votes were cast for Mr. Sterrett, Anti-Federalist candidate; but for McHenry, the Anti-Federalists asserted, nearly 800 fraudulent votes were polled. No contest, however, was made in the convention.

BERNARD C. STEINER.

(To be continued.)

MEMBERS OF THE CONVENTION OF MARYLAND WHICH RATIFIED THE FEDERAL CONSTITUTION, APRIL 21-29, 1788.<sup>3</sup>

<i>Members.</i>			<i>Opponents.</i>
ANNAPOLIS CITY.			
Judge Alexander Contee Hanson, Fed.			Unknown.
<i>Nicholas Carroll,</i>	"		
ANNE ARUNDEL COUNTY.			
Jeremiah Townley Chase,	Anti-Fed.	Charles Carroll of Carrollton, Fed.	
Samuel Chase (came Apr. 24),	"	James Carroll,	"
John Francis Mercer,	"	Brice Worthington,	"
Benjamin Harrison,	"	John Hall,	"
BALTIMORE COUNTY.			
	<i>Vote.</i>		<i>Vote.</i>
Edward Cockey (came April 24), Anti-Fed.,	639	Harry Dorsey Gough, Fed.,	192
Nathan Cromwell (came April 24), "	629	James Gittings, "	183
Charles Ridgely (came April 22), "	676	John Eager Howard, "	172
Charles Ridgely of William ( " ), "	673	John Cradock, "	171

<sup>1</sup> *Journal*, April 11.

<sup>2</sup> *Gazette*, April 15, 22. The claim was made that there were 1047 legal voters in the town, of which number 671 did not vote while 1053 illegal votes were cast.

<sup>3</sup> From the *Maryland Journal* of April 11, 15 and 18, 1788. Those whose names are printed in italics voted with the Anti-Federalists on the final vote to adjourn. An article in the *Baltimore Gazette* for May 9 states that only three gentlemen were chosen out of the county of their residence.



# Maryland's Adoption of the Constitution

43

## BALTIMORE TOWN.

	<i>Vote.</i>		<i>Vote.</i>
James McHenry (came April 22), Fed.,	962	Samuel Sterrett, Anti-Fed.,	385
John Coulter (came April 22), " 958		David McMechen, "	380

## CALVERT COUNTY.

James Wilkinson, Fed.	Unknown.
Walter Smith, "	
Charles Graham, "	
John Chesley, Jr., "	

## CAROLINE COUNTY.

Col. Wm. Richardson (came April 22), Fed.	Unknown.
Major Joseph Richardson (came April 22), "	
Matthew Driver (came April 22), "	
Peter Edmondson (came April 22), "	

## CECIL COUNTY.

Joseph Gilpin, Fed.	Unknown.
Henry Hollingsworth, "	
Samuel Evans, "	
James Gordon Heron, "	

## CHARLES COUNTY.

Gustavus Richard Brown, Fed.	Unknown.
John Parnham, "	
Zephaniah Turner, "	
Michael Jenifer Stone, "	

## DORCHESTER COUNTY.

Robert Goldsborough, Sr., (absent.) <sup>1</sup> Fed.	Unknown.
Nicholas Hammond, "	
Daniel Sullivan, "	
James Shaw, "	

## FREDERICK COUNTY.

Thomas Sim Lee (came April 22), Fed.	No opposition; county almost unanimously
Thomas Johnson, "	Federalist.
Richard Potts (came April 22), "	
Abraham Law, "	

## HARFORD COUNTY.

William Paca (came April 24), Anti-Fed.	Unknown.
Luther Martin (came April 24), "	
John Love (came April 24), "	
William Pinkney (came April 23), "	

## KENT COUNTY.

William Tilghman, Fed.	Unknown.
Donaldson Yates, "	
Isaac Perkins, "	
William Granger, "	

## MONTGOMERY COUNTY.

	<i>Vote.</i>		<i>Vote.</i>
Thomas Cramphin (came April 24), Fed.,	896	Edward Burgess, Anti-Fed.,	313
Richard Thomas, "	895	Lawrence O'Neal, "	312
William Deakins, Jr., "	894	William Holmes, "	312
Benjamin Edwards, "	891	Henry Griffith, "	311

<sup>1</sup> Daniel Carroll writes Madison, April 28, that he was sick.

## PRINCE GEORGE'S COUNTY.

George Digges,	Fed.	Unknown.
Osborne Sprigg,	"	
Benjamin Hall,	"	
<i>Fielder Bowie,</i>	"	

## QUEEN ANNE'S COUNTY.

James Tilghman, 3rd. (came April 22),	Fed.	Unknown.
John Seney (came April 22),	"	
James Holliday (came April 22),	"	
William Hemsley (came April 24),	"	

## ST. MARY'S COUNTY.

George Plater,	Fed.	Unknown.
Col. Richard Barnes,	"	
Nicholas Lewis Sewall,	"	
Charles Chilton,	"	

## SOMERSET COUNTY.

George Gale (came April 22),	Fed.	Unknown.
Col. John Stewart (came April 22),	"	
Henry Waggaman (came April 22),	"	
Major John Gale (came April 22),	"	

## TALBOT COUNTY.

Jeremiah Baining (absent), <sup>1</sup>	Fed.	Unknown.
<i>Col. Edward Lloyd</i> (came April 22),	"	
Robert Goldsborough, Jr. (came April 24),	"	
John Stevens (came April 22),	"	

## WASHINGTON COUNTY.

	<i>Vote.</i>		<i>Vote.</i>
Col. Thomas Sprigg, Fed.,	657	Jacob Cellers, Anti-Fed.,	25
John Stull, " "		Jacob Funk, " "	24
Moses Rawlings, " "		Col. Andrew Bruce, " "	21
Henry Shryock, " "		Col. Norman Bruce, " "	14

## WORCESTER COUNTY.

<i>Peter Chaille,</i>	Fed.	Unknown.
<i>John Dont,</i>	"	
William Morris,	"	
<i>James Martin,</i>	"	

<sup>1</sup> Daniel Carroll writes James Madison April 28, that he was sick.

## CONTEMPORARY OPINION OF THE VIRGINIA AND KENTUCKY RESOLUTIONS

### I.

THE right to complete freedom in the utterance of political opinions has been so long a fundamental principle in the United States that probably few Americans will recall the fact that exactly a hundred years ago the controversy which eventuated in the complete triumph of that principle raged all over the Union. The Virginia and Kentucky Resolutions of 1798, whatever their whole purpose, were designed primarily as a protest against the infringement of this principle by the recently enacted Alien and Sedition Laws. Incidentally they gave expression to a theory concerning the nature of the federal union which was of equal or perhaps greater significance than their protest against all interference with freedom of speech. It is singular that a controversy which involved an expression of opinion by the whole American people upon two questions of so much importance should have been treated by historians as this one has been. Enough and more than enough has been written about the authorship of the resolutions and their ultimate object; but little if any serious effort has been made to ascertain what the people of the United States thought about them. When Jonathan Elliot compiled his now celebrated *Debates* he was content as regards the Resolutions of 1798 and 1799 merely to reprint a pamphlet published in 1800 by direction of the Virginia legislature, adding the Kentucky Resolutions for both years. From this material one can learn next to nothing of the public sentiment in the two states which induced the passage of the resolutions and but little of the temper in which these resolutions were received in other states. None of the memorials addressed by the county courts to the two legislatures appear in the pages of Elliot; and of sentiment outside of Virginia and Kentucky one can judge only by the answers of the seven states<sup>1</sup> whose legislatures sent to the Virginia legislature replies disapproving of its resolutions. Believing that these seven replies are not sufficient to represent adequately the public opinion of the entire country, I have attempted to extract from con-

<sup>1</sup> Delaware, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire and Vermont.

temporary pamphlets and newspapers some account of such reported actions and expressions as will reveal the state of public opinion relative to the resolutions.

Prior to the meeting of the legislatures of Virginia and Kentucky, in 1798, a number of large public meetings, in both states, had denounced the recent measures of the federal government, and particularly the Alien and Sedition Laws. Most of these meetings drew up memorials on the subject and addressed them to the legislature of the state. A comparison of these memorials with the resolutions makes it plain that the passages in the resolutions which arraign the policy of the federal government merely epitomize the memorials on that point. But in respect to the remedy, some of the memorials use only vague and general expressions; others call upon the legislature to formulate the appropriate remedy and pledge the memorialists to accept it.<sup>1</sup> We are warranted, therefore, in concluding that the idea of the remedy which the resolutions put forward originated with their authors, and in brief with Jefferson.

Satisfied that the resolutions of 1798 represent the voice of Virginia and Kentucky in their protest, and the ideas of Thomas Jefferson in the remedy hinted at, let us see how they were regarded in the other states. Maryland, from its proximity, had the first opportunity to express an opinion upon the resolutions. The opportunity was not neglected; before the resolutions of Virginia were received and even before the probable action of that state could have been known at Annapolis, a committee of the House of Delegates was appointed to consider the resolutions of Kentucky. Four days after Virginia had passed her resolutions the report of this committee was agreed to by the House of Delegates by a vote of 58 to 14. This report is very brief and its dissent is expressed in vague and general terms: the resolutions of Kentucky are "highly *improper*, and ought not to be acceded to," for they "*contain sentiments and opinions unwarranted by the Constitution of the United States*, and the several acts of Congress to which they refer."<sup>2</sup>

<sup>1</sup> The Virginia memorials were from the following counties: Caroline (*The Genius of Liberty*, Morristown, N. J., January 10, 1799); Essex (*The Aurora*, December 7, 1798); Dinwiddie (Greenleaf's *New Daily Advertiser*, N. Y., December 8, 1798); Goochland (*The Observatory*, Richmond, August 27, 1798); Spottsylvania (*The Aurora*, November 20, 1798); Albemarle (*The Observatory*, Richmond, October 1, 1798); Orange (*The Aurora*, December 1, 1798). All these papers are in the library of Harvard University.

The Kentucky memorials were from county meetings in Woodford, Franklin, Bourbon, and Clarke counties, and town meetings at Lexington and Mount Sterling. All are in the *Palladium* (Wisc. Hist. Soc.) for August 9 to September 4, 1798, except that of Clarke county (*Kentucky Gazette*, August 1, 1798, H. U.).

<sup>2</sup> This report will appear in the next number of the REVIEW.

Soon after the Kentucky Resolutions had been thus disposed of the resolutions from Virginia were received and referred to a committee; the report of this committee is longer, more precise, and the proceedings upon it may be known in part.<sup>1</sup> The committee report that after most serious consideration and mature deliberation it is decidedly of the opinion that "a recommendation to repeal the Alien and Sedition Laws would be unwise and impolitic." An equally pointed negative is given to the remedy suggested by Virginia: "No State government by a Legislative act is competent to declare an act of the Federal Government unconstitutional and void, it being an improper interference with that jurisdiction which is exclusively vested in the Courts of the United States." The result of this reasoning is a resolution which differs from the report in only one particular, but that an important one; the resolution omits the declaration contained in the report that the power to pronounce an act of federal legislation unconstitutional and void belongs exclusively to the federal courts. It is therefore only a rejection of the Virginia remedy, not an assertion of a more appropriate one. Unfortunately the debates upon this report and resolution have not been preserved, but the proceedings so far as recorded are worthy of consideration. Prior to the final vote upon the report and resolution five votes were taken upon questions involving some portions of the whole; two of these presented only the question of the expediency of the Alien and Sedition Laws; the other three dealt with the remedy suggested by Virginia. The final vote was forty-two to twenty-four; this would seem to indicate that the endorsement of the Alien and Sedition Laws was made more prominent than the condemnation of the Virginia remedy.<sup>2</sup>

In the Senate the Kentucky Resolutions were presented but no action was taken upon them; in reply to Virginia the resolutions of the House of Delegates were adopted.<sup>3</sup> The action of the state was not officially transmitted to either Virginia or Kentucky.<sup>4</sup>

In Maryland, discussion of the Virginia and Kentucky Resolutions seems to have been confined almost entirely to the legislature; in Pennsylvania the debate over them was more widely extended. Philadelphia, as was natural from its commercial, social,

<sup>1</sup> *Ibid.*

<sup>2</sup> For the proceedings of the House of Delegates on the reply to Virginia see the *Albany Centinel*, February 1, 1799. H. U.

<sup>3</sup> *Index to the Journals of the Senate and House of Delegates*, (Annapolis, 1857), II. 60, 66, 280.

<sup>4</sup> All the replies officially transmitted to Virginia were included in the pamphlet, *Proceedings of the Virginia Assembly on the Answers of Sundry States to their Resolutions*, 1800. H. U. The reply of the Maryland House of Delegates to Kentucky was merely a committee report.



and intellectual prominence, enjoyed the best newspapers published in the United States. These papers, taking notice at an early date of the agitation in Virginia and Kentucky, reported its progress with considerable promptitude and fullness. Unlike most of the papers elsewhere, the Philadelphia press was not content to merely print a portion of the news; resolutions like those of Virginia and Kentucky called for comment, and the kind of comment made is significant. Fenno in the *Gazette of the United States* presented to his Federalist readers the resolutions of both states together with portions of the speech of Governor Gerrard to the legislature of Kentucky, under the title: "Fruits of French Diplomatic Skill."<sup>1</sup> Dismissing the resolutions without discussion, he attacked the speech. One portion of it he pronounced "a most atrocious train of misrepresentation and falsehood;" another he characterized as "too weak and contemptible to merit much attention;" the whole is an "abominable speech, distinguished no less by the depravity of its sentiments, than the most desperate folly." It was the spirit rather than the matter of the speech that alarmed Fenno; little attention was paid to the remedy which Gerrard had suggested and no attempt was made to show that it might not rightfully be employed. It was the possibility of resistance to federal government rather than the cause of that opposition or the proposed method of resistance that seemed to Fenno the important side of the affair. The resolutions seem to have had upon him an effect similar to that produced upon other Federalist editors, strengthening his already implicit belief in the rapid approach of disaster. On March 4,<sup>2</sup> he pointed out to his readers four "indications of approaching convulsion"; number one is "the imbecility of our frame of government," and allusions make it plain that the imbecility referred to was that which made possible such opposition to the federal government as that of the Virginia and Kentucky Resolutions. The present system he characterized as "a mere experiment," "a jangling and chaotic confusion of federal and state governments, which I can compare to nothing more nearly than a farrow of pigs, who have so strengthened and increased on the nourishment she has afforded them, as to be able to insult her authority and resist her controul."

As might have been expected, the bitterest invective came from Cobbett, who in this connection wrote some of his most characteristic paragraphs. At one moment the reader is surprised by a touch showing remarkable insight into some problem then facing the

<sup>1</sup> Article reprinted in the *Albany Centinel*, December 18, 1798. H. U.

<sup>2</sup> Article reprinted in the *Salem Gazette*, March 4, 1799. H. U.

American people; the next moment his admiration is excited by a prophecy since actually realized, or falsified only by circumstances which no man could then have anticipated; meanwhile he is constantly amused by bits of sophistical reasoning, by Cobbett's ignorance of American history or his failure to appreciate some of the most obvious traits of American character. Desiring to properly label Gerrard's speech and the Kentucky Resolutions Cobbett introduced them to his readers with the remark that he had always apprehended that the chief danger from French influence lay in the possibility that France might acquire Louisiana and aid the Kentuckians in a revolt from which they "were far from being disinclined." That the action of Kentucky is a revolt due to French influence is tacitly but none the less effectively assumed in the observation, "This most impudent speech, from the governor of that country, will enable the reader to judge how far my apprehensions are well founded."<sup>1</sup> To Cobbett, as to Fenno, the mere fact of opposition rather than the manner or the ground of the opposition demanded attention.

When the news of Virginia's action reached Cobbett, his anger burst forth in a long hysterical article, characterized by abusive epithets and the absence of any real argument; the Virginians are taunted with the holding of slaves and advised to study the Constitution which they profess to hold in such veneration, especially that portion of it which declares that all men are born free and equal! The address of the legislature to the people of Virginia is pronounced "little short of high treason," "the most seditious that ever daring demagogue drew up, or that ever a factious assembly had the impudence and folly to sanction."<sup>2</sup> Neither the protest against the Alien and Sedition Laws nor the right of a state to render them void is discussed. In his wrath against the Republicans Cobbett quite forgot to disprove their propositions. A little later he expressed a more deliberate opinion upon the result to which the Virginia and Kentucky opposition would lead. "Virginia will have either a majority in congress or a separation of the states! And, one or the other, I am afraid she will have, ere two years are at an end." But the danger of separation, he thinks, does not come from Virginia alone. "It is very certain, too, that the New Englanders want to get rid of the Southern States. Their interests are as opposite as are the manners of their inhabitants."<sup>3</sup> This idea that New England will resist the impending triumph of Virginian ideas Cob-

<sup>1</sup> *The Country Procupine*, December 12, 1798. H. U.

<sup>2</sup> *Ibid.*, February 6, 1799. H. U.

<sup>3</sup> *Ibid.*, April 3, 1799. H. U.



bett elaborates in reply to "Plain Truth," a Virginia correspondent. "In point of fact," argues Plain Truth, "no state can be permitted to withdraw itself from the union. In point of policy, no state ought to be permitted to do so." "I highly applaud," says Cobbett, "the motives of Plain Truth, and most sincerely hope, that his eloquence may produce a good effect among the Virginians. But I must confess, I do not think his reasoning is forcible. . . . Does he imagine, that the industrious and orderly people of New England will ever suffer themselves to be governed by an impious philosopher or a gambling profligate, imposed upon them by Virginian influence? If he does, he knows little of New England. The New Englanders know well, that they are the rock of the Union. They know their own value; they feel their strength, and they will have their full share of influence in the federal government, or they will not be governed by it. It is clear, that their influence must decrease; because every man has a vote, and the middle and southern states are increasing in inhabitants, five times as fast as New England is. If Pennsylvania joins her influence to that of New England, the balance will be kept up; but, the moment she decidedly throws it into the scale of Virginia, the balance is gone, New England loses her influence in the national government, and she establishes a government of her own."<sup>1</sup>

Looking into the columns of the *Aurora* for expressions that will indicate the opinions of Pennsylvania Republicans upon the resolutions of their Virginia and Kentucky brethren, a peculiar attitude is discovered. Comment is almost entirely lacking, but the resolutions are published with great gusto along with other protests against the Alien and Sedition Laws. This seems to show that the resolutions were regarded as in the main a protest against obnoxious laws, though the impolicy of insisting too much upon what was likely to prove unpopular in Pennsylvania may have had a share in producing silence as regards the proposed remedy. Yet in August the *Observatory*, of Richmond, Virginia, copied from a Philadelphia paper a short item which seems to show that some Pennsylvania Republicans did approve of the tenets of their Virginia and Kentucky brethren. "Is not every officer of a state government sworn to support the constitution of the U. States? If the federal government passes laws contravening the constitution, is it not a breach of oath in a state officer to carry such laws into effect? Are not the states as well as the federal government to judge of the Constitution? Is not the Constitution a contract between the different states? Are not they to judge whether this contract be broken or

<sup>1</sup> *The Country Porcupine*, April 1, 1799. H. U.

violated? If congress can annul a contract with a foreign nation because of its violation, will not the same justice operate to modifying or annulling a contract between States, which is no longer regarded?"<sup>1</sup>

Legislative action upon the resolutions was not so prompt in Pennsylvania as in Maryland, but when taken was not less decisive. On January 25 the governor transmitted to the legislature the resolutions of Kentucky. In the Senate a motion was at once made to lay them upon the table, apparently for the purpose of securing some discussion of the resolutions. But even this scant courtesy was refused and the motion was defeated by a vote of fourteen to eight.<sup>2</sup> In the House of Representatives no action was taken until February 1, when a course different in sort but similar in purpose was pursued. Six counter-resolutions were adopted "by a considerable majority." These counter-resolutions are devoted almost exclusively to Kentucky's protest and remedy for the Alien and Sedition Laws. These laws are "just rules of civil conduct, and component parts of a system against the aggressions of a nation, aiming at the dominion of the world"; the favorite Federalist argument, that no well-behaved citizen need fear the operation of the Alien and Sedition Laws, is repeated at length. Disapproval of the Kentucky remedy is even more strongly expressed: a declaration by a state legislature that an act of the federal government is void and of no effect is a "revolutionary measure" as dangerous as unwarranted. The House does not stop, however, with denying the Kentucky doctrine but proceeds to enunciate its own counter-doctrine. "Resolved, That in the opinion of this House, the people of the United States have vested in their President and Congress, the right and the power of determining on the intent and construction of the Constitution, as on the ordinary subjects of legislation, and the defence of the Union; and have committed to the Supreme Judiciary of the nation the high authority, of ultimately and exclusively deciding on the constitutionality of all legislative acts."<sup>3</sup>

When the Virginia Resolutions were received, on March 9, the Senate repeated its former action; "voted them under the table" is the description of the Federalist press. The House, as before, dismissed them by resolution, but this time no argument was indulged in.<sup>4</sup> The principles of Virginia "are calculated to excite unwarrantable discontents, and to destroy the very existence of

<sup>1</sup> *The Observatory*, August 9, 1799. H. U.

<sup>2</sup> *The Philadelphia Gazette*, January 26, 1799. H. U.

<sup>3</sup> These resolutions will appear in the next number of the REVIEW.

<sup>4</sup> *Ibid.*



government. They ought to be and are hereby rejected." This resolution was passed by a vote of forty-three to twenty-five, seemingly a party division and indicating that the constitutional doctrines of Virginia were not so heretical in the eyes of Pennsylvania Republicans as to preclude the partial endorsement of them which a vote against the resolution implied.

Delaware took prompt action upon each set of resolutions; on January 21, both houses of the General Assembly united in the opinion that the resolutions of Kentucky were "a very unjustifiable interference with the general government, and the constituted authorities of the United States, and of dangerous tendency, and therefore not a fit subject for further consideration of the General Assembly."<sup>1</sup> Eleven days later exactly the same words were again employed to dismiss the Virginia Resolutions.<sup>2</sup>

The New Jersey legislature did not meet until January 16, 1799, but its action was foreshadowed two days before in the *Federalist*, or *New Jersey Gazette*.<sup>3</sup> The Virginia and Kentucky Resolutions will be dismissed "with contempt," for sedition forms no item of natural rights in New Jersey. Its second argument sounds like an echo of 1787 and shows that the *Gazette* understood the art of befogging the real issue by an appeal to ancient prejudices. Virginia, in reality, cares little or nothing for the Alien and Sedition Laws; it is the Constitution she aims at destroying, and that because the small states have an equality with herself in the Senate.

Four days after the appearance of this article the legislature disposed of both sets of resolutions in the manner predicted. But this action was not taken before a lively debate in the House had shown exactly the attitude of both the *Federalist* and the Republican members of the legislature towards the resolutions.<sup>4</sup> Additional interest is given to this debate by the fact that it is one of the two debates in the state legislatures over replies to the Virginia and Kentucky Resolutions which have been preserved for us. Messrs. Campbell and Van Cleve, speaking for the Federalists, urged immediate dismissal by a unanimous vote. About the subject-matter of the resolutions "no honest American could entertain a doubt"; "all seemed to express, both publicly and privately, the most decided disapprobation of them." The consideration of a suitable

<sup>1</sup> *Philadelphia Magazine and Review*, February, 1799. H. U.

<sup>2</sup> Elliot's *Debates*, IV. 558.

<sup>3</sup> *The Federalist*, or *New Jersey Gazette*, January 14, 1799. Am. Antiq. Soc.

<sup>4</sup> The account of the debate here given is extracted from a detailed report which appeared in several New Jersey papers. See the *Federalist*, January 21, 1799 (A. A. S.); the *Guardian*, or *New-Brunswick Advertiser*, January 29, 1799 (A. A. S.); the *State Gazette*, January 29, 1799 (A. A. S.).



reply would involve a waste of time and the public money ; an appearance of respect for a sister state is not demanded towards one which has shown so little respect for the general government and in its resolutions offered the greatest possible insult to this state ; a reply must be expressed in terms of the highest disapprobation and probably would be more irritating than the action proposed.

For the Republicans the motions to dismiss the resolutions were opposed by Messrs. Pennington, Southard, Stillwell and Morgan. All four expressed their own disapproval of the resolutions,<sup>1</sup> two of them asserting, without contradiction, that the resolution had no friends in the House.<sup>2</sup> Thus seeming to agree with the Federalists as to the merits of the resolutions they advanced a variety of arguments for a different disposal of them, advocating a reply which should state the reasons of the legislature for rejection. The subject-matter of the resolutions involves questions of the highest importance to the welfare and happiness of the states, but upon which there is much difference of opinion and agitation in the public mind. A sister state, especially one of the importance of Virginia should be treated with respect ; if the resolutions are indecent, "let us not retort upon them indecency." It is certainly the duty of New Jersey to endeavor to appease, not to irritate, and a well-reasoned reply will be the most likely means of preserving harmony between the states and may tend to work conviction. Many members of the House cannot be persuaded to vote for instant dismissal, and to force a vote upon that issue would create an appearance of division of opinion in regard to the merits of the resolutions. But these arguments were of no avail, for the vote upon the motions to dismiss appears to have been a strict party division, twenty to fifteen. In the Senate no action appears to have been taken, that of the House being regarded as sufficient.

From the debate in the House one might conclude that New Jersey Republicans were not opposed to the Alien and Sedition Laws and differed from the Federalists over the Virginia and Kentucky Resolutions only in desiring a respectful reply to them instead of a summary dismissal. But an inspection of the columns of the Republican newspapers of New Jersey shows beyond all doubt that

<sup>1</sup> Pennington : "could not approve of the resolutions," "I disapprove of the resolutions as much as any man." Southard : "He should be sorry to be understood as approving of the resolutions," "he was of opinion that they had gone much too far." Stillwell : "He much disapproved of the resolutions." Morgan : "voted for retaining the Virginia resolutions, not that he approved of them."

<sup>2</sup> Pennington : "I am persuaded that not a man on this floor, will vote for them." Morgan : "I cannot think that any gentleman on this floor, would wish to countenance those resolutions."

New Jersey Republicans disapproved of the Alien and Sedition Laws,<sup>1</sup> being on that point in exact accord with their brethren of Virginia and Kentucky. The *Centinel of Freedom*, the leading Republican paper of the state, published by a kinsman of Pennington, the Republican legislative leader, in commenting on the action of the House in dismissing the resolutions, asks: "What else could compel the exclusive Federalists to such a precipitant measure, but the fear, that upon a fair and candid investigation of the Constitutionality of the Alien and Sedition Acts, they would have been declared unwarrantable by the Legislature?"<sup>2</sup> Even in respect to the remedy it appears that the Republicans in the legislature were not in complete agreement with the Federalists, and that outside the legislature there were various degrees of difference among Republicans, some going, apparently, to the point of accepting the Virginia and Kentucky Resolutions entire.

The attitude of the Republican members of the legislature is shown in a set of resolutions offered by Pennington at the next meeting of the House, on January 21.<sup>3</sup> A long preamble sets forth that from the nature of the federal and state governments, each having powers in some cases exclusive and in others concurrent, and being "without a common judge to fix the precise boundary," it was expected that differences would arise. The amendment clause was provided to secure the adjustment of these differences; therefore, the resolutions call upon Congress to assemble a convention "to amend the Constitution of the United States in such sort, as accurately to define the powers given to the said government of the United States, and precisely to mark out the boundaries of power between the state and general governments, in such a way, if possible, as to leave nothing to construction, and particularly to ascertain, and specially define the powers of the general government relative to crimes." These resolutions show conclusively that the Republican members of the New Jersey legislature did not accept the Federalist doctrine that the Supreme Court of the United States is the final arbiter of differences between the federal government and the states; they further indicate an inclination, to put it no stronger, to accept all the constitutional reasoning of the Virginia and Kentucky Resolutions except the final conclusion, that each state may judge for itself. The resolutions were, of course, rejected by the Federalist majority,

<sup>1</sup> For evidence of the Republican opposition to the Alien and Sedition Laws see the *New Jersey Journal*, October 2, 1798; the *Newark Gazette*, January 22, 1799; the *Centinel of Freedom*, January 22, 1799. All H. U.

<sup>2</sup> January 22, 1799.

<sup>3</sup> These resolutions are printed in full in the *Federalist or New Jersey Gazette*, February 15, 1799. A. A. S.

being dismissed on their first reading and not suffered to appear in the minutes of the House.

Some New Jersey Republicans were ready to go further; in fact, to accept the resolutions entire. One of these wrote a long article upon the subject for the *Genius of Liberty*, signing himself "Observer."<sup>1</sup> He was surprised and disappointed that the merits of the Virginia and Kentucky Resolutions were not touched upon in the recent discussion in the House; two points ought to have received attention, (1) whether the Alien and Sedition Laws were constitutional or not; (2) and if they were not, "whether they should adopt the same mode of resolution."

"But perhaps some passive, quiescent member of the house will say, the Legislature of a state have no right to give an opinion, whether a law of Congress is constitutional or not—let Congress, or the federal supreme court, decide such question (and it is no matter which, if either is to decide), but the objection must fall to the ground on a moment's reflection. The constitution is a solemn compact, made between the individual states, as sovereignties, and the U. States collectively; who, as such, possess inherently no such powers, and Congress have no right whatever to exercise any power not expressly delegated in that compact; and all other power, not so delegated, remains entire, and belongs to the individual states; and as much so as though no such compact had been made, and as much so as the sovereignty of any state or power in Europe. Now let me ask, when a treaty or compact is made between two sovereign powers, and infringed by one of the parties, shall that party, or its court, decide whether it has itself broken the compact or not? When Congress, in a late act, declared France had broken the treaty with us, and that all obligation, on our part, ceased in consequence thereof, was this the case then? Did we wait, or submit it to them to decide, whether they had infringed the compact or not? Surely not, nor can it be right, in the present case, nor in any case whatever, without totally destroying the idea of sovereignty. If the doctrine of the objector is valid, and the states, individually, have no right to judge when the constitution is violated by Congress, there is an end to all state sovereignty, and state legislation, and we are at once consolidated; and it will be futile to elect and pay a state legislature: besides, in the case of the alien law, and many other cases, the supreme court can have no jurisdiction, the suspicion of the President is all-sufficient to inflict the penalty; how then is the supreme court to judge of the constitutionality of a law which it is not to execute?"

The Federalist newspapers of New York state were, for the most part, content to copy the comments of the Philadelphia representatives of their faith upon the Virginia and Kentucky Resolutions, their own additions being few and short. Of real argument there was less in these additional remarks than in the comments of the Philadelphia papers, but the tone was even firmer. The *New York Gazette* concluded its account of Gerrard's speech thus: "But, thanks to the wisdom of Congress, WE HAVE A SEDITION LAW:

<sup>1</sup> *The Genius of Liberty*. Morristown, March 7, 1799. H. U.



and though a Governor may say much with impunity, the wretched understrappers of the party are doomed to swallow in part the bile with which they would otherwise bespatter the BEST PATRIOTS of America."<sup>1</sup> Another New York city paper pronounced the resolutions an attempt to separate the northern and southern states, adding: "We sincerely wish these efforts to bring the question to a crisis will succeed; and the sooner the better. We are not in the least apprehensive about the issue. There is a spirit of union and firmness in the northern states, . . . which, if called to act in the adjustment of *civil* disputes about alien and sedition laws, will speedily put an end to all town meeting controversies on that subject." This threat it made advisedly, warning sedition-mongers to weigh well the consequences before proceeding further.<sup>2</sup>

Governor Jay communicated the resolutions of Virginia and Kentucky to the legislature promptly, but that body was slow to take action, nothing being done until the Federalists discovered that inaction was being construed as implying disapproval of the federal administration and its alien and sedition policy.<sup>3</sup> On February 15 and 16 the resolutions were discussed in the lower house and disposed of; as the resolution adopted contained no provision for its transmission to Virginia and Kentucky it has hitherto been overlooked, the reply of the Senate being taken for that of the state.<sup>4</sup> No reports of what was said in this debate have been preserved for us, and our sources of information even as regards the procedure are provokingly meagre. The entire matter was disposed of in committee of the whole; four or five attempts were made by the Republicans to amend the resolution offered by the Federalists. One of these was to incorporate a declaration that the Alien and Sedition Laws were unconstitutional and that Congress ought to repeal them; another proposed to expunge from the Federalist resolution the declaration that the right to decide upon the constitutionality of the Alien and Sedition Laws belonged to the judiciary. These, like all the other attempts at amendment, failed; but they are interesting as showing that the Republicans in the New York House of Representatives, like those of New Jersey, endorsed the Virginia and Kentucky protest against the Alien and Sedition Laws and shared to some extent their constitutional doctrines, though they were unwilling to declare that a state may judge for itself in cases of difference with the federal government.

<sup>1</sup> *Albany Centinel*, January 29, 1799. H. U.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, February 19, 1799.

<sup>4</sup> These resolutions will appear in the next number of the REVIEW.

When the final vote came the division was strictly upon party lines, fifty to forty-three. The preamble and resolution adopted are short and directly to the point. The right to decide upon the constitutionality of laws passed by Congress belongs to the judiciary, the assumption of that power by a state legislature is unwarrantable and dangerous; this house, accordingly, disclaims for itself such a power as that assumed by the legislatures of Virginia and Kentucky, to pass upon either the expediency or the constitutionality of the Alien and Sedition Laws, and the committee is discharged from further consideration of the matter.

In the Senate, as in the House, consideration of the resolutions was chiefly in committee of the whole; but of the proceedings there nothing has been learned. When the committee rose, on March 5, Mr. Van Vechten, a Federalist leader, reported the preamble and resolution which constitute the New York reply as given in Elliot's *Debates*. Spencer, the Republican leader, offered a substitute which declared that the senators think "themselves, individually, and in a legislative capacity, invested with the right of expressing their opinions upon the acts and proceedings of Congress; and that in cases of dangerous encroachments and innovations on the rights and sovereignty of the State Legislatures, it would become their bounden duty to mark and proclaim such innovations; yet this committee, most solemnly impressed with the importance and necessity of preserving harmony between the national and state governments at the present eventful period, do not judge it expedient or proper to adopt the resolutions of the States of Virginia and Kentucky." Another Republican member offered a resolution consisting of a brief statement, that it would be improper to adopt the resolutions of Virginia and Kentucky. Debate upon these substitutes was shut off by the previous question, carried by party votes. An amendment offered by Spencer for the purpose of making it appear that the reply of the Senate was chiefly directed against those portions of the Virginia and Kentucky Resolutions which assert for the states a power to render acts of Congress void, was defeated though several Federalists joined with the Republicans on that issue. Then the final vote came and the division was strictly according to party lines, 31 to 7.<sup>1</sup> The questions passed upon in the Senate did not involve the attitude of its members towards the protesting and the remedial features of the Virginia and Kentucky Resolutions so exactly as did those raised in the House, but taking them together they show, beyond much doubt, that the attitude of the Republicans in both houses was the same, endorsement of the

<sup>1</sup> *Albany Centinel*, March 8, 1799. H. U.



protest and partial acceptance of the reasoning upon which the remedy was grounded.<sup>1</sup>

When the Kentucky Resolutions were laid before the General Court of Massachusetts the Federalist leaders in that body seem to have determined that the disapprobation of Massachusetts should be expressed with no uncertain sound. Accordingly, a joint committee of both houses was appointed for their consideration; this committee, consisting of three from the Senate and four from the House, was composed entirely of Federalists and had for its most distinguished members John Lowell and Nathan Dane.<sup>2</sup> The Virginia Resolutions, arriving after the appointment of the committee, were also referred to it.<sup>3</sup>

Both sets of resolutions were in the hands of the committee by January 18, but the report upon them was not presented to the Senate until Saturday, February 2. On the Monday following, as the result of a considerable debate upon the proper form of proceeding, the report was referred back to the committee to be changed from resolutions into a declaration. The next day the report came up for discussion on its merits. What was said by the Federalists cannot be ascertained, as the Senate met in secret session and none of the Federalists published their speeches. There was but one Republican in the Senate, John Bacon of Berkshire, but he made a determined protest against the report of the joint committee and afterwards published his speech in the *Chronicle*.<sup>4</sup>

Remarking that the committee had chosen to direct their arguments chiefly at establishing the constitutionality of the Alien and Sedition Laws, Bacon announced that his attention would be confined to that question, even to the exclusion of another of at least equal importance, "the question respecting the right finally to judge and determine as to the constitutionality of the acts of the General Government." The remainder of the speech, which occupied four columns in the *Chronicle*, is a well-considered presentation of the familiar Republican arguments against the constitutionality of the

<sup>1</sup> The attitude of the Republicans in the legislature appears to have been that of the party generally; see an article from the *Albany Register*, reprinted by the *Chronicle* (Boston), February 25, 1799.

"It is impossible to conceive a doctrine more opposed to the constitution of our choice, than that a decision as to the constitutionality of all legislative acts rests solely with the Judiciary Department; it is removing the corner stone on which our federal compact rests; it is taking from the people the ultimate sovereignty, and conferring it on agents appointed for specified purposes; it is giving an administration the power of passing what laws they please, and of course a power to set at defiance the constitution whenever it may run counter to their projects of tyranny and ambition."

<sup>2</sup> The names will be found in the *Columbian Centinel*, January 23, 1799.

<sup>3</sup> *Massachusetts Mercury*, January 22, 1799.

<sup>4</sup> February 14, 1799.

Alien and Sedition Laws; its tone is remarkably moderate throughout. Of course Bacon's reasoning did not convince any of his Federalist colleagues, but it cannot be said to have been without effect, for the President of the Senate moved that the report be referred back to the committee "for the purpose of strengthening it by new and more cogent reasons."<sup>1</sup>

Three days later the committee presented its report again, containing "additional reasons in support of the alien and sedition laws." As now amended the report was passed by a vote of thirty-one to two, one Federalist voting against it because of a passage declaring that in all cases involving the Constitution and laws of the United States the decision belongs to the judiciary. On the day following the matter was reconsidered and the passage altered to read "cases in law and equity," whereupon the objecting Federalist changed sides, leaving the final vote all but unanimous.<sup>2</sup>

In the House of Representatives consideration of the report was confined to a single day, February 12. This debate was open to the public and from the reports of the *Mercury* and the *Chronicle* a good idea of the debate may be obtained.<sup>3</sup>

For the Federalists, Mr. Pickman of Salem opened in what the *Mercury* called "a very able; eloquent and classical speech." He pronounced the Alien and Sedition Laws both constitutional and expedient, denying that aliens had any rights under the Constitution. The greater part of his speech was a defence of what he denominated the chief feature of the report, its constitutional doctrines. It is evident that Pickman dwelt more particularly upon the disastrous consequences which would certainly follow interference by the states than upon the question of their right to interfere, using that *ex necessitate* method of constitutional argumentation so much employed by the Federalists—a given course of action would result badly, therefore it must be inhibited by the Constitution.

Colonel Barnes of Marlborough denied the right of the state governments to interfere in any manner in federal questions, and from this principle disapproved of giving any opinion upon the subject. This scruple, which was shared by other Federalists, was overcome by the next Federalist speaker, John Lowell, who explained that the report should be considered as only an expression of the individual opinions of the members, not as a legislative declaration. Some such expression of their individual opinions was

<sup>1</sup> *Columbian Centinel*, February 9, 1799.

<sup>2</sup> *Philadelphia Magazine*, March, 1799, pp. 114-115. H. U.

<sup>3</sup> In the account which follows I have used the report of the *Mercury* unless the *Chronicle* is indicated. See the *Mercury*, February 19, 1799, and the *Chronicle*, February 14, 1799.

absolutely imperative under the circumstances, for silence would be construed as assent to the doctrines of Virginia and Kentucky.

Lowell, as the Federalist leader in the House and as a member of the joint committee, made the most elaborate argument in behalf of the report. Three distinct propositions are involved in the report. 1. "The first, and the most important," said Lowell, is "that the State Legislatures have no constitutional right to judge of the acts and measures of the Federal Government." 2. The Alien and Sedition Laws are constitutional. 3. They are also "expedient and necessary." In support of the second and third propositions, Lowell argued that the Alien Law was forced upon the United States by the machinations of France; that the Sedition Law was equally well grounded and, if possible, yet more expedient. For the constitutionality of the Sedition Law Lowell offered no argument, while upon that phase of the Alien Law his only argument was to declare, in reply to a challenge to point out the clause of the Constitution which warranted it, "the very object and scope of the Federal Compact was to invest in one *general* head the whole National Concerns."

Taking the Federalist speeches in the aggregate there appears to have been considerable warrant for the *Chronicle's* complaint that the question was superficially argued by the advocates of the report. Doubtless the certainty of a large majority in its favor will account for this and for their maintaining, as the *Chronicle* charged, an intolerant and contemptuous attitude towards their opponents "more conspicuous than ever disgraced these walls."

On the Republican side five or six short speeches were made by different members, but little can be learned about the ground which they took for opposing the report. The *Mercury*, the only paper which notices these speeches, states that all of these speakers "professed a strong disapprobation of the Resolutions of Virginia, but could not agree to the proposition adopted by the Senate in reply to them." The only elaborate speech on the Republican side was one read from manuscript by Dr. Aaron Hill of Cambridge in concluding the debate. This, like the speech of Bacon in the Senate, was afterwards published in the *Chronicle*.<sup>1</sup> The most important feature of it is the portion devoted to a consideration of the declaration contained in the report, that the right to pass upon the constitutionality of federal laws belongs to the federal government. Denying the correctness of this doctrine, Hill set forth what he conceived to be the true nature of the federal union and the rights of the states in cases of encroachment upon their reserved powers.

<sup>1</sup> *Chronicle*, February 25, 1799.

"The Federal Government is, as the term imports, a confederation of States, and the People of each State have transferred to the United States, such a portion of their power as is, in the Constitution specified, to be exercised by Congress, and have reserved the Remainder to the States, to be exercised by their respective Legislatures. . . . From the distribution of power in the Federal and State Constitutions, it appears that Congress are the proper guardians of the one, and the State Legislatures of the others, and while the individual States retain any portion of their sovereignty, they must have the right to judge of any infringement made on their Constitutions, for if the right is transferred exclusively to Congress, or to any department of the General Government, no vestige of sovereignty can remain to the individual States, but they become a consolidated instead of a Federal Government, and the oath and declaration required by our Constitution, will remain a lasting monument of the inconsistency of a People who require of their Agents an oath to defend, without a right to judge whether it is attacked."

This, certainly, is not much short of the remedial doctrines of the Virginia and Kentucky Resolutions. At the conclusion of this speech the vote was taken and the report was accepted.

The action of the General Court was, of course, quite differently received by the Federalist and Republican papers of Boston. Before the report had been considered in either house the *Centinel* had confidently announced that what such a committee should report "must be correct."<sup>1</sup> When both houses had stamped the report with the seal of their approval the elation of the *Centinel* knew no bounds; the document will be "an everlasting record of the Wisdom, Patriotism and enlightened Policy of the present times. . . . Indeed, he who now doubts the rectitude of such principles must be worse than an infidel."<sup>2</sup>

When political fanaticism reaches the pitch of arrogance displayed by this remark of the *Centinel* and by that of the Federalist member of the House, who stigmatized his Republican opponents as a "contemptible minority," one need not be surprised to find Republican dissent, however modest its expression, treated in a summary fashion. The tone of the *Chronicle*, tested by the standard set in the *Centinel* and other Federalist papers, was a model for fairness and courtesy towards its opponents; measured even by the standards of today, there was little in its tone to which exception might fairly be taken. But this moderation did not secure its publishers from persecution for persistently adhering to their political convictions. Within a week after the passage of the Massachusetts reply to Virginia and Kentucky, provocation for an attack upon the *Chronicle* was found in two articles that appeared on February 18. In one of these a correspondent observed that in May 1798 Massachusetts was a "free, sovereign and independent state" except in

<sup>1</sup> January 23, 1799.

<sup>2</sup> February 16, 1799.

matters specially committed to the federal government. As proof of this assertion he appealed to the evidence furnished by about two hundred respectable witnesses, who, in order to secure seats in the legislature of the Commonwealth, had taken oath to that fact and to their opinion that it ought to be so. But recently, when the state of Virginia propounded the question whether the sovereignty of the individual states was not invaded by certain acts of Congress, a majority of these same witnesses disclaimed for the legislature of Massachusetts and all the states "any right to decide upon the constitutionality of any act of Congress." This action by the majority of the witnesses led the correspondent to make the following request :

"As it is so difficult for common capacities to conceive of a *sovereignty* so situated, that the *Sovereign shall have no right to decide on any invasion of his constitutional powers* ; it is hoped for the convenience of those tender consciences who may hereafter be called upon to swear allegiance to the State, that some gentleman skilled in federal logic will show how the oath of allegiance is to be understood, that every man may be so guarded and informed, as not to call upon the Deity to witness a falsehood."

The other article consisted of a few remarks upon Bacon's speech in the Senate. It contained this sentence : "The name of the American Bacon will be handed down to the latest generations of free-men, with high respect and gratitude, while the names of such as have aimed a death wound to the constitution of the United States will rot above ground and be unsavory to the nostrils of every lover of republican freedom."

The next day after the appearance of these articles in the *Chronicle* the Supreme Judicial Court of the Commonwealth opened its term in Boston. Chief-Justice Dana in his charge to the grand jury called its attention to the articles, remarking that he obtained a copy of the paper by accident, for if he were a subscriber "his conscience would charge him with assisting a traitorous enmity to the Government of his country."<sup>1</sup>

The result of Chief-Justice Dana's harangue to the grand jury was the return of an indictment against Thomas Adams, editor and publisher of the *Chronicle*, and Abijah Adams, a younger brother, employed in the office of the paper.<sup>2</sup> They were charged with an offense against the peace and dignity of the Commonwealth in "contriving falsely and maliciously to bring the Government into disrespect, hatred and contempt among the good and liege citizens of the commonwealth," and with encouraging sedition, disobedience and opposition to the laws, by the articles already quoted.

<sup>1</sup> *Massachusetts Mercury*, February 22, 1799.

<sup>2</sup> The indictment and other papers connected with the case are in the manuscript records of the Massachusetts Supreme Judicial Court, Vol. 1799, folio 183, No. 8191.



On February 22 Chief-Justice Dana issued a writ commanding the sheriff to arrest the culprits. Under this writ Abijah Adams was taken into custody, but was released pending his trial upon furnishing bail in the sum of one thousand dollars. Thomas Adams was not arrested. At the time he was suffering from what proved to be a fatal illness, and the sheriff returned a certificate signed by two physicians affirming that he could not be taken before the court without serious danger to his life.

The arrest of the younger Adams took place on the twenty-seventh of February and on the following day the *Chronicle* for the first time took notice of the attack upon itself. Less than ten lines sufficed for the simple announcement that the younger Adams had been arrested and that his trial would begin the next day. Ultimately the indictment and every transaction connected with the affair, the *Chronicle* promised, would be minutely handled for the public instruction, but prior to the decision, "We scorn to attempt to bias our numerous readers on this subject." This promise was kept and not a single line further appeared in the *Chronicle* until after the entire affair was over; then the whole case of the defense was published in four installments, aggregating twenty-five columns.<sup>1</sup> From this elaborate argument, brief notices of the trial in the *Mercury* and *Centinel*, and the manuscript records of the Supreme Judicial Court a quite complete account of the entire trial can be extracted.

FRANK MALOY ANDERSON.

(*To be continued.*)

<sup>1</sup> *Chronicle*, April 11 to May 2, 1799.

## THE UNIT RULE IN NATIONAL NOMINATING CONVENTIONS

FOR a period of one hundred years the Constitution has been in process of extra-legal amendment. In its written form it provides for the election of a president and vice-president in a certain way, but those officers are now elected in a different way. They are elected, so to say, by a process of elimination. Each party makes the elimination within its own ranks and presents a candidate for the final contest ; the machinery for making these eliminations is the nominating convention.

It is generally supposed that the national conventions of the two parties are very similar in the general characteristics of their organization—that the actual differences between them are very few. A careful study of the subject will show that this is true ; but it will also show that however few the differences may be, they are yet important and fundamental, and reveal the underlying tendencies and principles of the two parties. These differences may be summed up in what are known as the two-thirds rule and the unit rule. The first of these rules provides that no candidate shall be declared nominated unless he shall have received two-thirds of all the votes cast. It has prevailed in Democratic conventions only. The second of these rules is one which allows (but does not compel) the majority of a state delegation to cast the entire vote of the state. It is, properly speaking, not a rule of the national convention, but only of the individual delegations ; it is a method of casting the state ballot—a manner of voting ; and has reference to the national convention only in so far as that body permits or does not permit its use. This rule also has prevailed only in Democratic conventions.

The two-thirds rule, though in its origin no part of the unit rule, may at the present time be justly considered part and parcel of it. The first Democratic convention adopted the rule requiring a two-thirds majority because it was believed that nominations thus made would have greater authority with the people. But the authority of the national convention soon became such that it was no longer necessary to resort to such devices, for its decisions would be considered binding in any case, and many efforts were therefore made

to do away with the practice entirely. None of them were successful, and the two-thirds rule has been perpetuated; perpetuated for the reason, as the debates show,<sup>1</sup> that it was thought to supplement the unit rule which so many states were using, and was considered in justice a necessity so long as the latter rule was allowed to prevail. A little thought will show how, if the two-thirds rule were abrogated, a few very large states being nearly evenly divided on candidates, and yet enforcing the unit rule, might secure a majority for a candidate whose actual strength would measure only a small minority. While the use of the two-thirds rule does not make this condition of affairs impossible, it lessens the probability that it will occur; and we may therefore consider those two rules as practically inseparable—two parts of a single system, and that system the casting of state votes as a unit. It is then the so-called unit rule which is of importance, and in which we must seek the differences between the two conventions. I do not believe that this rule or its significance is very generally or very well understood; to trace its history from the beginning of both parties—to show what has been the attitude of both parties toward its introduction and use in their national conventions, and to point out from the results obtained its general meaning will be the object of this paper.

To begin with, it may not be unprofitable to quote from a recent writer on the subject, in order to have something definite in mind the while, for purposes of comparison and criticism. Mr. Dallinger, who has recently written a book for the Harvard Historical Studies,<sup>2</sup> says on page 41: "Either in the form of a rule adopted by the convention or in the form of instructions by the state conventions the practice of having the majority of each state delegation cast the entire vote of the state soon became firmly fixed in the proceedings of both the leading political parties. The first successful revolt against this disregard of the right of the minority occurred in the national convention of the Republican party in 1876." Again on page 134 he says: "This undemocratic custom . . . . was abandoned by the Republicans in 1880; but it still prevails in a modified form in the national councils of the Democratic party."

With these statements in mind we may proceed to examine in detail what rules the national conventions have passed, and what discussions have occurred with reference to this matter.<sup>3</sup> My plan

<sup>1</sup> Particularly in 1844; see Niles, LXVI. 211 ff.

<sup>2</sup> *Nominations for Elective Office in the United States*, New York, 1897.

<sup>3</sup> It is hardly necessary to say that the main sources for this subject are the journals of the conventions. These have been published for the most part under the direction of the executive committees of the national committees, and bear the title of *Official Proceedings*. In a few instances in which these have not been obtainable, the best detailed

is the simple one of examining<sup>1</sup> each convention in order, and considering, first, the rules which were adopted, and second, the discussion which occurred, together with such other evidence as may have a bearing upon the general problem in hand.

## I. DEMOCRATIC CONVENTIONS.<sup>1</sup>

The first Democratic convention was held in 1832, and the committee on permanent officers reported, among other things, the following resolution:<sup>2</sup> "That in taking the vote the majority of the delegates from each state designate the person by whom the votes for that state shall be given." This is vague. It may or may not give the majority the right to cast the entire vote; it probably does not. But it at least has this significance: it shows a tendency at the very beginning to leave the decision of all such matters to the state, or the delegations which represent the state.

In 1835 the same resolution was again adopted.<sup>3</sup> In balloting for vice-president Ohio gave her entire vote (21) for Richard M. Johnson, whereupon a delegate protested that not all the delegates had voted for Johnson. The chair ruled that it was a matter for the delegation to decide for itself.<sup>4</sup>

Nothing new appears until 1848. This year the following resolution was adopted:<sup>5</sup> "Resolved, that in voting upon any questions which may arise in the proceedings of the convention the vote shall be taken by states at the request of any one state . . . the manner in which said vote is cast to be decided by the delegation of each state for itself." This rule gave rise to no discussion during the convention; and indeed in the earlier assemblies as a whole, very little is said about the justice or injustice of unit voting, from which we may infer that the practice itself was not very common.

The next convention, that of 1852, adopted the same rule word for word.<sup>6</sup> On the thirty-fourth ballot for president Georgia gave

reports in the various newspapers have been used. These main sources I have supplemented by such newspapers and memoirs, etc., as were at my command.

<sup>1</sup> Four Anti-Masonic conventions were held, in the fall of 1830, 1831, 1837 and 1838. I have not been able to find what rules, if any, were adopted with reference to the method of voting. But it is clear that the question never was prominent enough to excite any discussion; and these conventions can have had, therefore, little or no influence in this matter, on the policy of any other party. See Niles, XXXIX. 58; XLI. 109; LIII. 68; LV. 177, 221. The same may be said of the Liberty Party conventions of 1840 and 1843. See Niles, LVIII. 96; LXV. 47.

<sup>2</sup> Niles, XLII. 235.

<sup>3</sup> Niles, XLVIII. 227.

<sup>4</sup> Niles, XLVIII. 229.

<sup>5</sup> Niles, LXXIV. 74.

<sup>6</sup> *Official Proceedings*, 1852, p. 8.

ten votes for Stephen A. Douglas. Mr. Jackson, on behalf of the Union Democracy of the state, protested that this did not express the voice of the people. The chair ruled that the vote must be recorded as announced.<sup>1</sup>

The same rules were again adopted in 1856 and in 1860; but the committee in 1860 recommended this addition:<sup>2</sup> "That in any state which has not provided or directed by its state convention how its vote may be given, the convention will recognize the right of each delegate to cast his individual vote." The adoption of this amendment was accompanied by some discussion which is mostly not of great importance.<sup>3</sup> Mr. Cessna, chairman of the committee, explained why the amendment had been introduced. He said that the practice of preceding conventions had always been in harmony with its provisions, but that the committee feared it was now the intention of some states to interpret the old rules in a different way. The amendment was to prevent this; it was to make any other construction of the rules than the ordinary one impossible.<sup>4</sup>

Several questions were raised under this amendment during the course of the convention. Nelson of Georgia claimed the right to cast his individual vote because the delegation had been merely "requested," not instructed to vote as a unit; but the chair ruled that the words "provided or directed" in the amendment made a "request" as binding as an instruction, and that the vote of the state must therefore be cast as a unit.<sup>5</sup> The New Jersey delegation had been "instructed" to vote as a unit for president, but on all other questions only "recommended" to vote as a unit. When the minority report on platform came up the minority of the New Jersey delegation made a protest on this ground; the chair ruled here as in the case of Georgia, but an appeal from the decision of the chair was sustained by a vote of 145 to 157.<sup>6</sup>

This is fine quibbling. A recommendation amounts to an instruction unless both words have been used, in which case it does not. The thing to be noted, however, is the distinction which the amendment makes between the state convention and the delegation.

<sup>1</sup> *Ibid.*, p. 57.

<sup>2</sup> *Official Proceedings*, 1860, p. 10.

<sup>3</sup> *Ibid.*, p. 11.

<sup>4</sup> *Official Proceedings*, 1860, p. 12. The *New York Times* (April 25, p. 4) says this "innovation was designed to set at liberty certain Douglas votes from Massachusetts, Pennsylvania and elsewhere, otherwise overwhelmed by an unfriendly majority." This is not likely, since the Douglas men did not control the organization of the convention. The report of the committee of which this amendment was one part passed with one dissenting vote. See *Official Proceedings*, 1860, p. 15.

<sup>5</sup> *Official Proceedings*, 1860, p. 46.

<sup>6</sup> *Ibid.*, p. 51.



The decisions of the former with regard to unit voting are recognized as valid—the decisions of the latter are not.

It was owing to difficulty over the adoption of a platform that a number of the Southern states seceded from this convention in a body. A majority of the delegates from Georgia decided to withdraw with the others. Ten delegates, however, remained and claimed to represent the state; but the chair ruled that Georgia had withdrawn. An appeal was taken and the chair was sustained by a vote of 148 to 100.<sup>1</sup> In the Virginia state convention a resolution to instruct the delegation to vote as a unit had been withdrawn on the ground that it was not necessary, since Virginia had always voted as a unit, and the precedent thus established was too strong to be disregarded. A majority of the delegation on this plea tried to force a unit vote on the twenty-third ballot, but the chair held that "unless instruction had been given by the state each individual had a right to cast his own vote."<sup>2</sup> In the Baltimore convention the rule and precedents of the Charleston convention were followed.<sup>3</sup>

✓ At the close of 1860 then the unit rule may be stated as follows: As to the method of casting the ballot of a delegation the state convention is supreme; its instructions must be followed. In case no instructions are given the national convention then assumes authority and says that each individual delegate shall be allowed to cast his own vote.

It is probable that the rulings of 1860 were followed by an increase in the number of states which instructed their delegates to vote as units; and it is certain that the instructions which were given were now made more definite. Since the states were given assurance that their instructions would be recognized if they were clear there would almost inevitably be a tendency towards more general and more definite instructions. After 1860, therefore, we find very little quibbling as to whether a state has "instructed" or merely "recommended" its delegation—whether its expressed wishes amount to an instruction or not. The tendency was more and more to accept unquestioned the statement of the vote as announced by the chairman. So strong did this tendency become, and so convenient perhaps,—probably for the reason that so many of the states instructed their delegations as to make the interferences of the national body extremely rare,—that an amendment was passed in 1872 incorporating this practice into a law of that convention. A

<sup>1</sup> *Official Proceedings*, 1860, p. 69.

<sup>2</sup> *Ibid.*, p. 80.

<sup>3</sup> *Ibid.*, p. 162.

resolution to proceed to ballot for president and vice-president was before the house when Mr. Cox of New York moved to amend as follows:<sup>1</sup> "And that in casting the vote for president and vice-president, the chairman of each delegation shall rise in his place and name how the delegation votes, and his statement alone shall be considered the vote of such state." So far as voting for candidates is concerned, this practically abolishes the amendment of 1860. For, if the chairman's statement is alone to be considered the vote of a state, no means is left to discover whether a delegation which votes as a unit is doing so under state instruction, or whether the majority may not be in the absence of instruction forcing a unit vote through its control of the chairman. As a matter of fact few objections were made on this latter ground, but those few were—necessarily under the amendment—declared out of order.<sup>2</sup> ✓

Whether it has been intended to include this amendment of 1872 as a part of the rules of succeeding conventions is not perfectly clear. It has always been the practice of Democratic conventions to adopt the rules of the preceding convention without stating specifically what those rules are.<sup>3</sup> But the amendment of 1872 was not an amendment to the general body of rules, as the amendment of 1860 was, but only to a motion to proceed to ballot. When, therefore, the convention of 1876 adopted the rules of 1872, did it mean to include this specific amendment? The practice of the convention of 1876 and following conventions seems to indicate that it was intended so to include it; for until 1896 the statements of the chairman have been more or less arbitrarily received and all objections have been ruled out of order. And this is true not only of the balloting for candidates but of all ballots in which state voting occurred, so that this specific amendment of 1872 seems not only to have been made a part of the general rules of the succeeding conventions, but its application seems also to have been broadened to apply to all questions on which a state vote was called for.

The interpretation of the unit rule which the amendment of 1872 established was apparently acceptable to most of the party; at any rate no serious objections seem to have been made up to 1884. But there was undoubtedly a small minority who never favored the rule in any shape and were especially opposed to it in its present form. If circumstances were to arise which should favor a movement to abolish it, they were there to aid in the attempt.

<sup>1</sup> *Official Proceedings*, 1872, pp. 57, 58.

<sup>2</sup> Such protests seem to have been made four years later by Ohio and Virginia. See *Official Proceedings*, 1876, pp. 148, 149.

<sup>3</sup> This practice has led to much confusion. Another example will be noticed in the convention of 1896. See also *Official Proceedings*, 1884, p. 9, note.

Such an opportunity came in 1884. Grover Cleveland was perhaps the most prominent candidate. His record as reform governor of New York had given him popularity throughout the country; but at the same time it had incurred the enmity of the New York and Brooklyn machine element. This element was in a minority, however, and when the New York delegation, following out the instruction of its state convention, decided by a vote of 47 to 25 to cast the entire vote for Cleveland, Mr. Grady and Mr. Kelly made violent speeches on the part of Tammany in opposition to the unit rule and threatened to carry their objection into the national convention.<sup>1</sup> This they did. The question being on an amendment to the rules, Mr. Grady moved an amendment to the amendment,<sup>2</sup> "And when the vote of a state as announced by the chairman of the delegation from such state is challenged by any member of the delegation then the secretary shall call the names of the individual delegates from the state and their individual preferences as expressed shall be recorded as the vote of such state." The adoption of this amendment meant, of course, the abolishment of unit voting.

The position of those who supported the amendment was in general that the unit rule disfranchised a minority—frequently a large minority. In most states the representatives were elected in districts for the purpose of representing the district and not the state as a whole. The delegates at large, who represented the state as a whole, might well be instructed by the state. If unit instructions were ever advisable it would be when they were made with reference to a specific policy or a particular candidate. It was the practice of broadly instructing delegations to vote as a unit on all questions as the majority dictated, which was especially objectionable.<sup>3</sup> Those who opposed the amendment, on the other hand, spoke of the right of the state to say how its will should be expressed. To deny the states this right is to strike a blow at their sovereignty. The Republican party, which stands for centralized power, may with impunity trample on their hereditary privileges, but as for the Democratic party, it "stands for the rights of the states." The amendment was finally lost by a vote of 332 to 463.<sup>4</sup>

The leaders, in their attempt to abolish the practice of unit voting, were undoubtedly animated by the desire to defeat Mr. Cleveland, more than by real hostility to the practice itself. Undoubtedly also the support they received was largely recruited from the oppo-

<sup>1</sup> *New York World*, July 8, 1884, p. 1.

<sup>2</sup> *Official Proceedings*, 1884, p. 9.

<sup>3</sup> *Ibid.*, pp. 19, 20.

<sup>4</sup> *Ibid.*, p. 39.

sition to Mr. Cleveland throughout the country. "It is understood," says the *New York World*,<sup>1</sup> "and generally conceded that the vote on the unit rule meant the field against Cleveland." This, however, is too strong; the question was something more than one of opposition to Mr. Cleveland. The vote itself shows this, for whereas the unit rule was supported by a vote of 463, Mr. Cleveland received on the first ballot only 392. In the New York delegation, too, the majority for Mr. Cleveland was only 22, but a resolution to sustain the unit rule was carried by a majority of 50. Therefore while the struggle centred around Mr. Cleveland's candidacy, the question of the unit rule was also a real question and the resolution was not supported or opposed simply because it might aid in defeating or nominating a certain candidate.

When the vote was taken a very interesting example of resistance to the unit rule occurred in the case of New York. I quote it because it illustrates very well the kind of thing that so frequently happened, and the results which invariably followed. New York being called, the chairman announced seventy-two votes no.

Cockran: "I challenge that vote."

Manning:<sup>2</sup> "I have to state, Mr. Chairman, that the vote in the delegation is 48 noes and 15 ayes."

Cockran: "Then I ask that it be so recorded."

Clerk: "New York casts seventy-two votes no."

Cockran: "That is challenged, Mr. Chairman, and I move that the Secretary call the roll and poll the delegates. I do not vote aye nor no either, till I hear my own voice."

Chairman: "Gentlemen of the convention, the chairman of the state of New York announces so many votes no."

Cockran: "How many?"

Chair: "Seventy-two."

Cockran: "I say the chairman has announced in the hearing of this convention that there are but forty-eight noes, and I move that that be recorded as it stands."

The chair allowed a protest to be recorded, but his final decision was couched in these careful words: "The chair decides that the announcement made by the chairman *prima facie* is the vote . . . *prima facie*. Whether it shall stand as a vote is a question for the convention."<sup>3</sup> This, however, was the final word, and the minority of the New York delegation was forced to submit to the majority because it could find no help in the national convention to which it appealed.

From 1884 to 1896 no further change was made. In practice the amendment of 1872 was followed as it had been up to 1884.

<sup>1</sup> July 9, p. 1.

<sup>2</sup> Chairman of the delegation.

<sup>3</sup> *Official Proceedings*, 1884, pp. 37-38.

Protests were sometimes made by the minorities of delegations, but in no case were they ever sustained by the convention.

But in 1896, though the convention adopted the rules of the preceding conventions, it did not interpret them as they had been interpreted by former conventions. Very early in the proceedings the presiding officer<sup>1</sup> established a new precedent, which, without discussion or objection, was followed during the rest of the convention. The vote was on substituting the name of J. W. Daniel for that of David B. Hill for temporary chairman. Iowa under unit instruction voted 26 yea. Stackhouse objected.

The Chair: "The Secretary will call the roll of delegates from the state of Iowa."

Stone, of Mo.: "I understand the Democrats of the state of Iowa adopted the unit rule, and I desire to know whether the majority of the delegation cannot cast the entire vote of the State?"

Chair: "The chair holds that the proposition as stated by the gentleman from Missouri is entirely correct. The chair further holds that if a delegate from any given state challenges the accuracy or integrity of the vote of a state as announced, that then the list of delegates from that state shall be called for the purpose of verifying the vote as reported."

Meanwhile the polling of the Iowa delegation had resulted in a vote of 19 to 7 in favor of substituting.

The Chair: "The Iowa delegation having been instructed to vote as a unit, the vote of that state will be recorded as 26 votes yea."<sup>2</sup>

Here again it is evident that no one knew just what the rules of 1892 were. Whether or not the amendment of 1872 had in theory been adopted by succeeding conventions, it had in practice been made to do service in all of them up to and including that of 1892. But the decision of the chair which has just been noticed altogether ignores the amendment of 1872 and goes squarely against the interpretations which every convention had put upon it for twenty years. On the other hand the words of the presiding officer seem to imply that unless the delegation is acting under state instructions, the majority cannot cast the entire vote of the state, thus going back to the amendment of 1860, which apparently had been a dead letter ever since 1872. The ruling of 1896, therefore, by killing one amendment and reviving another, may fairly be said to have placed the unit rule on a new footing in the Democratic convention, which briefly stated is as follows: When the vote is by states the announcement of the chairman of a delegation is accepted as the correct vote of that delegation unless challenged by some member of it, in which case the delegation is polled in open convention. If

<sup>1</sup> William F. Harity, chairman of the national committee.

<sup>2</sup> *Official Proceedings*, 1896, p. 94.



the delegation is under unit instructions, the vote of the state is then cast as a unit with the majority ; if not the vote stands as polled.

It will thus be seen that the so-called unit rule was not a positive rule adopted by the convention from the first, and compelling the states to vote as units, but a practice of the states which gradually crept into the proceedings of the convention. The objections and discussions which the practice aroused resulted, from time to time, in the passage of rules which have had the effect of leaving the manner of voting to be decided by each state for itself. To just what extent the practice of unit voting obtained in the earlier conventions cannot be determined ; first, because in the records of votes it is impossible to distinguish those states which, in the truest sense, voted unanimously, from those which voted unanimously as the result of the unit method, and secondly, because the accounts of state meetings which sent delegates to the early national conventions are so meagre that, if instructions as to the method of voting ever were given, no records of them remain. The principal reason for thinking that the practice was not very general at first is the fact that few objections and little discussion occur before 1856. I have carefully registered all these objections and discussions, and their results ; for it is here that the beginnings of unit voting must be sought. No such practice existed in earlier state conventions, if for no other reason, because the nature of such meetings was such as not readily to admit of it. One cannot, therefore, put one's finger on any particular time or place and say, here is the origin of unit voting. The idea doubtless came naturally to many men at the same time, as the result of viewing the states as sovereign states, with a will which would be expressed properly only as a unit. But the early conventions were not carefully organized ; no limits of the number of delegates were enforced, and nominations were frequently mere matter of form ; indeed, these gatherings had many of the characteristics of mass meetings, and it was impossible, therefore, that the method of voting should be a prominent or a vital question. It was only when the growing organization of the convention forced the states to limit themselves to an assigned number of delegates that the method of voting came to have an interest as a part of that organization. Then, in dealing with this question of procedure, the doctrine of states' rights made itself felt, and, as the dominant idea, became crystallized in definite regulations.

## II. WHIG CONVENTIONS. ✓

From 1832 to 1852, when the last independent Whig convention was held, the ballot for candidates was taken on a roll-call of the

delegates every time but twice. In 1839 and 1852 only, was the ballot taken in such a manner as to allow of the use of a unit rule. These two conventions, therefore, are the only ones it will be necessary to consider.

The convention of 1839<sup>1</sup> adopted a very long and cumbrous rule for balloting, the like of which has never been known, either before or since that time.<sup>2</sup> In effect the balloting was done secretly by states, and the result finally communicated to the convention through the agency of committees in such a way as to give the greatest possible opportunity for combinations and intrigue. Each state was compelled to vote as a unit. This rule is said to have been the culmination of a shrewd scheme to defeat Henry Clay.<sup>3</sup> The evidence is not altogether conclusive. It rests for the most part on a statement in Wise's *Seven Decades* (pp. 165 ff.) of a prophecy made by Judge White of Tennessee, who foretold the results and stated the process by which they would be reached. However that may be, the rule itself is unique inasmuch as it forced the states to vote as units; but it seems to have had no influence on the later conventions of any party.

In 1852 the ballot was taken for the first time by a roll-call of the states, and the rule provided that the chairman of each delegation should announce "the person or persons for whom the vote is given."<sup>4</sup> This was not very definite, and some interesting discussions occurred in the course of the fifty-odd ballots that were taken. On the first five ballots Illinois cast a united vote for Winfield Scott; but on the sixth the delegate from the seventh district said he would no longer misrepresent his constituents, and voted for Millard Fillmore. Mr. Washburn said the delegates from Illinois had been instructed to vote in such manner as the majority might determine, and therefore they had voted as a unit. After some debate and confusion it was decided that the delegate had a right to vote as he chose.<sup>5</sup> On the twentieth ballot the chairman of the Missouri delegation said that Missouri had voted for Mr. Fillmore but wished now to divide the vote, and asked if "power existed to do so." The chair ruled that the matter was with the delegates themselves.<sup>6</sup>

<sup>1</sup> These early conventions were sometimes held as much as a year or a year and a half before the elections.

<sup>2</sup> For the rule see Niles, LVII. 249 ff.

<sup>3</sup> See Von Holst, *Constitutional History of the United States*, II. 361-369. See also an amusing statement by Benton, *Thirty Years' View*, II. 204.

<sup>4</sup> *National Intelligencer*, June 21, 1852.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

These two rulings are somewhat conflicting. What use the party might have made of the unit rule had it continued to exist it is difficult, perhaps quite impossible, to say. There appears, it is true, to have been some tendency towards the Democratic custom, inasmuch as the state of Illinois had instructed her delegation to vote as a unit, and in the case of Missouri the chair decided that the matter was one to be left to the delegation.

### III. REPUBLICAN CONVENTIONS.<sup>1</sup>

With the Republican conventions we come to a consistent and unmistakable policy with regard to unit voting; the policy namely of allowing each individual delegate to cast his own vote as he chooses under all circumstances. There have been few attempts to introduce the practice which prevails in the Democratic convention, and in every case such attempts have failed.

The first Republican national convention was held in 1856, and the manner of voting for candidates is provided for on page 27 of the *Official Journal*. The committee on credentials,<sup>2</sup> which also reported rules, recommended "that the chairman of each delegation present the number of votes given to each candidate for president by the delegates from his state . . ." No question could well arise as to the proper interpretation of a rule like this, and apparently none did arise.

In 1860 different rules were reported and the manner prescribed for the casting of votes was less definite. "Four votes," so runs the rule,<sup>3</sup> "shall be cast by the delegates at large of each state and each congressional district shall be entitled to two votes. The votes of each delegation shall be reported by its chairman.") On the first ballot for president under this rule Maryland voted eleven for Bates. Cole objected on the ground that the Maryland delegation had not been instructed to vote for Bates. Armor, the chairman of the delegation, explained that the state convention had at first instructed

<sup>1</sup> The Free-Soil party, which may in some sense be considered the forerunner of the Republican party, held conventions in 1848 and in 1852. In the former the question of unit voting was not raised; in the latter the rule that each individual delegate should have one uncontrolled vote was adopted. See *New York Herald*, August 11, 12, 1848; and August 13, 1852.

<sup>2</sup> The rules of 1856 were reported from the committee on credentials. Beginning with 1860 and continuing down to the present time there has been a special committee on Rules and Order of Business. In the Democratic conventions up to 1852 no definite custom prevailed. Rules were commonly adopted in open convention without reference to any committee at all, although in 1832 a committee on "officers" reported the rules of that convention. Since 1852 rules have always been reported by the committee on permanent organization.

<sup>3</sup> *Official Proceedings*, 1860, p. 109.

the delegation, but later had changed the instruction to a mere recommendation. It was on the force of this recommendation that he had announced the vote as eleven for Bates. The chair then ruled that the announcement of the chairman must be accepted unless the convention decided otherwise. He therefore put the question to the convention :<sup>1</sup> "Shall the vote announced by the chairman be received by the convention as the vote of the state of Maryland? The question was decided in the negative." It is not stated by how large a majority the question was lost.

The three subsequent conventions made no change in the rule for the casting of votes save that in the third—that of 1872—a slight change in phraseology was introduced.<sup>2</sup>

The year 1876 marks the appearance of a desire among certain Republicans to introduce the Democratic custom into their party. The Louisiana delegation at its meeting just previous to the convention resolved in accord with state instructions to force a unit vote on the delegation.<sup>3</sup> In the New York meeting we are told that the "attempt of some of the Conkling men to enforce a unit vote failed."<sup>4</sup> And the Pennsylvania convention gave the following instructions to its delegates :<sup>5</sup> "Upon all questions to be brought before or arising in the convention, to cast the vote as a unit as a majority of the delegation may dictate." In the national convention itself, however, the rule which the committee reported was apparently perfectly unambiguous in its opposition to any unit voting. It reads as follows :<sup>6</sup> "In the record of the votes by states, the vote of each state . . . shall be announced by the chairman, and in case the votes . . . shall be divided the chairman shall announce the number of votes cast for any candidate, or for or against any propositions." I have said that this was apparently perfectly unambiguous. But Pennsylvania seemed determined to stand by her instruction, and her action raised objections which led to a somewhat extended discussion. Fifty-eight votes had been cast by that state for Hart-ranft; but two delegates desired to vote for Blaine and demanded that their votes be so recorded. The chair, after consulting the rule, decided "that it is the right of any and every member equally to vote his sentiments in this convention."<sup>7</sup> An appeal from the de-

<sup>1</sup> *Official Proceedings*, 1860, pp. 150-51.

<sup>2</sup> The rule is as follows: "Rule 2. Each state shall be entitled to double the number of its senators and representatives . . . according to the recent apportionment . . . The votes of each delegation shall be reported by its chairman." *Official Proceedings*, p. 24. For 1864 see *Official Proceedings*, p. 101-2. For 1868, see *ibid.*, p. 60.

<sup>3</sup> *New York Tribune*, June 14, 1876, p. 14.

<sup>4</sup> *Ibid.*, June 13, p. 1.

<sup>5</sup> *Ibid.*, June 14, p. 1.

<sup>6</sup> *Ibid.*, June 16, p. 5.

<sup>7</sup> *Ibid.*, June 17, p. 1.

cision was made, but the chair was sustained by a large majority; the whole matter was reconsidered for discussion, after which the chair was again sustained, this time by a vote of 395 to 354.<sup>1</sup> The Louisiana delegation evidently receded from the position taken in its preliminary meeting, for the vote of that state was divided throughout.

The only serious attempt to introduce unit voting into the Republican conventions was made in 1880—not because any one was enamored of the custom, but because certain men had special ends in view and thought to serve them by its use. A desperate effort was made to nominate General Grant for a third term. Senator Conkling of New York, Senator Cameron of Pennsylvania and Senator Logan of Illinois set themselves to work to give their candidate the prestige of an undivided vote from those states. This could be done only by shrewd management, because the third-term doctrine was very unpopular. In Pennsylvania and New York conventions were held early and unit instructions were passed with no great difficulty.<sup>2</sup> In Illinois more method had to be used. The Grant men secured control of the organization and the chair appointed a committee to report a list of delegates to the national convention. The time-honored custom was for the delegation from each district in the state to appoint its own national delegate; but the new plan of a committee left them no choice and resulted in a solid Grant delegation from Illinois.<sup>3</sup> The same tactics apparently had been used in many of the county conventions previously.<sup>4</sup> Besides these states, Arkansas, Alabama and Texas were also instructed to vote as a unit for General Grant.<sup>5</sup>

The revolt began at once. In Illinois, indignation meetings were held throughout the state,<sup>6</sup> and anti-Grant delegates were sent to the convention.<sup>7</sup> Many of the New York and Pennsylvania delegates stated their intention, as the time drew near, not to abide by the instructions which they had received.<sup>8</sup> Nevertheless the leaders continued in their determination to nominate General Grant by forcing the unit rule upon the convention. The plan of action seems to have been somewhat as follows:<sup>9</sup> Senator Cameron, who was chairman of the national committee, was to call the convention

<sup>1</sup> *Ibid.*, p. 7.

<sup>2</sup> *New York Tribune*, May 14, 1880, p. 4; *Chicago Tribune*, May 14, p. 4.

<sup>3</sup> *Ibid.*, May 22, 1880, p. 1, 4.

<sup>4</sup> *Chicago Tribune*, May 14, 1880, p. 1.

<sup>5</sup> *New York Tribune*, May 28, 1880, p. 4.

<sup>6</sup> *Ibid.*, May 27, 1880, p. 1.

<sup>7</sup> *Ibid.*, June 5, p. 5.

<sup>8</sup> *Ibid.*, May 5, p. 5, and May 6, p. 1.

<sup>9</sup> *Ibid.*, May 26, p. 1.



to order, and present the temporary chairman, which that committee had selected, to the convention. If a Grant man, he was to rule that all the delegations, which were under state instructions to vote as a unit, must abide by those instructions. If an anti-Grant man (which was not improbable since the national committee was thought to have a majority who were opposed to Grant), some one was to move to substitute the name of a Grant man in his stead and in the ballot Senator Cameron would enforce the unit vote on all instructed states. Such was the plan of the supporters of General Grant to secure for themselves the organization of the convention. But the matter never reached the convention at all. It was fought out in the preliminary meeting of the national committee. It turned out that about twenty-nine of the committee were anti-Grant men; and knowing well that some scheme was afoot to force the unit rule on the convention they presented the following resolution to the committee when they met:<sup>1</sup> "Resolved, That the committee recognize the right of each delegate in a Republican National Convention freely to cast and to have counted his individual vote therein according to his own sentiments, and, if he so decide, against any unit rule or other instructions passed by a state convention; which right was conceded without dissent and was exercised in the conventions of 1860 and 1868, and was after full debate confirmed by the convention of 1876; and has thus become a part of the law of Republican Conventions and until reversed by a convention itself must remain a governing principle." The adoption of such a resolution would have been fatal to Senator Cameron's plans, and he knew that a majority of the committee were in favor of it, because the twenty-nine anti-Grant members had held a caucus the evening before, in which they had denounced the practice of unit voting and had agreed to present such a resolution to the committee when it came together.<sup>2</sup> He therefore resolved upon a bold step. He refused to put the question when the resolution was offered, and declared every one out of order who tried to appeal from his decision.<sup>3</sup> In short he tried to intimidate the committee out of its simplest rights. His action led to a storm of denunciation. Meanwhile the anti-Grant men of the committee were quietly preparing to remove the senator from the chairmanship; but rather than submit to this he yielded and a compromise was effected. The unit rule was not enforced in the temporary organization and the senator was permitted to retain his position as chairman.<sup>4</sup>

<sup>1</sup> *New York World*, June 1, 1880, p. 1.

<sup>2</sup> *New York Tribune*, June 1, 1880, p. 1.

<sup>3</sup> *New York World*, June 1, 1880, p. 1.

<sup>4</sup> *New York Tribune*, June 1, 1880, p. 1.

This ended the matter. The convention organized quietly, with the anti-Grant men in control. Garfield was made chairman of the committee on rules, and the rule which he drew up then with reference to balloting by states has been retained by Republican conventions ever since. It is a model of precision, and makes unit voting impossible except in cases where the minority neglects or refuses to make any objection. It is as follows:<sup>1</sup> "Rule 8. In the record of the vote by states the vote of each state . . . shall be announced by the chairman, and in case the vote of any state . . . shall be divided, the chairman shall announce the number of votes cast for any candidate or for or against any proposition; but if exception is taken by any delegate to the correctness of such announcement by the chairman of his delegation, the president of the convention shall direct the roll of members of such delegation to be called and the result shall be recorded in accordance with the votes individually given." Neither Conkling, Cameron, nor Logan<sup>2</sup> made any attempt to cast the votes of their respective states as a unit; the votes of these states were divided from the first ballot. Of the Southern states which were uninstructed, Alabama, Kentucky and Texas cast undivided votes on the first ballot. Arkansas voted solidly for Grant throughout the convention.

During the convention the only question having any relation to unit voting was raised by the state of Michigan. The vote was on directing the committee on rules to report. Mr. Joy, stating that one of the delegates from Michigan was on the committee of credentials, wished to know if the delegation had the right to cast his vote in his absence, knowing how he would vote. But the chair decided against even this.<sup>3</sup>

With the exception of the convention of 1888, which substituted the rules of the national House of Representatives for Cushing's *Manual*, no changes have been made in the rules of the Republican national convention since 1880. The policy of this party with regard to state voting has thus been clear and consistent; each delegate has always been allowed to cast his own vote as he chooses under all circumstances.

Let us now recall the statements of Mr. Dallinger with which we started out. "Either in the form of a rule adopted by the convention, or in the form of instructions by the state conventions, this practice of having the majority of each state delegation cast the

<sup>1</sup> *Official Proceedings*, 1880, p. 152.

<sup>2</sup> The Grant delegates sent by the convention of Illinois were unseated by the committee on credentials. See *New York Tribune*, June 5, 1880, p. 5.

<sup>3</sup> *Official Proceedings*, 1880, p. 32. A convenient, full, and fairly accurate account of the convention of 1880 may be found in W. R. Balch's *Life of Garfield*.

entire vote of the state soon became firmly fixed in the proceedings of both the leading political parties. The first successful revolt against this disregard of the rights of the minority occurred in the national convention of the Republican party in 1876." "This undemocratic custom . . . was abandoned by the Republicans in 1880; but it still prevails in a modified form in the national councils of the Democratic party."

It is clear that these statements are wide of the mark. The assertion that the custom soon became firmly fixed in the conventions of both the leading political parties is not true from any point of view. In the Republican conventions it never was knowingly tolerated at all. No minority, that is to say, ever made a protest against the use of the unit rule in the Republican convention which was not sustained. Neither can it be safely said that the custom soon became firmly fixed in the proceedings of the Democratic convention, and exists now in a modified form only. The evidence shows rather that there has been very little modification of the custom as it has prevailed in Democratic conventions since 1860; and that little has been in the direction of its establishment on a firmer and firmer basis. Again, Mr. Dalinger says that the "first successful revolt" against this practice was made in the Republican convention of 1876 and that its final abandonment by that party was completed in 1880. This, again, is in no sense the case. Say rather that in 1876 the first important attempt was made to introduce the custom into the Republican convention, but unsuccessfully; and that in 1880 the consistent practice of that party was crystallized in a rule which secured future conventions from all attempts of a similar nature. The whole matter may be stated briefly in this fashion: The national convention of the Democratic party has always allowed states to use the unit rule; the national convention of the Republican party has never allowed them to use it.

This, then, is the way in which each of the great parties has viewed the unit rule; and here, manifestly, is to be seen—what we have been seeking all along—the difference between the two types of convention. One allows the state to instruct its delegation as it chooses, and in doing so it defers to the state as the final authority; it recognizes an authority higher than itself. The other does not allow a state to instruct its delegation, except in conformity with its own rules, and in refusing to do so it overrules the authority of the state; it recognizes no authority higher than itself. The difference is in essence that between states' rights and nationalism. The privilege which the Democratic party gives to the states of casting

their votes as a unit is, in this sense, a survival of that doctrine which is so old and so effective a tradition in the party; representative of one persistent tendency which remains unaffected by all its changing organizations—a tendency towards localism, a protest against centralization. "I bid you consider long and well," is the exclamation of Mr. Fellows, "before you strike down . . . the sovereign power of our state expressed by the unanimous will of its delegates."<sup>1</sup> "I know," says Mr. Doolittle, "that in the Republican party—a party which believes that Congress and the Federal Government have every power which is not expressly denied, and that the states have hardly any rights left which the Federal Government is bound to respect—they can adopt in their convention this idea that a state does not control its own delegation in a national convention. Not so in the convention of the great Democratic party. We stand, Mr. President, for the rights of the states."<sup>2</sup> But it may be said that the Republican party, in allowing each district to vote independently of the state, really stands for localism much more than the Democratic party, which makes the state the unit. It is to be remembered, however, that the Republican party does not recognize units of any sort, political or geographical; there are two delegates from each district and each delegate is master of his own vote. "The principle which is involved in this controversy," said Mr. Atkins of Kansas in the Republican convention of 1876,<sup>3</sup> "is whether the state of Pennsylvania shall make laws for this convention; whether this convention is supreme and shall make its own laws. We are supreme. We are original. We stand here representing the great Republican party of the United States and neither Pennsylvania nor New York nor any state can come in here and bind us down with their caucus resolutions." Here then is each side clearly stated by its own advocate. Mr. Doolittle says, "We stand for the rights of the states," but Mr. Atkins says, ("The great Republican party shall not be bound down by the caucus resolutions of any state.")

That the Republican convention should reveal centralizing tendencies and the Democratic convention decentralizing tendencies will not seem strange, perhaps, to those who are familiar with American history; for these institutions are only representative of the parties under whose care they have been established. The Democratic party in its origin may be traced back to the speculative individualism of the eighteenth century. Its formative period was at a time

<sup>1</sup> *Official Proceedings, Democratic National Convention, 1884*, pp. 10-11.

<sup>2</sup> *Ibid.*, p. 16.

<sup>3</sup> *New York Tribune*, 1876, June 17, pp. 6-7.



when men were engaged in defining the Constitution—when an effort was being made to estimate justly the powers and privileges which had already been gained. (From this effort and under these influences, the party emerged with the cardinal doctrines of strict construction and states' rights.) For seventy years the party was, with few exceptions, the predominating one; but to an increasing degree it found its influence limited to the Southern states, where its doctrines became increasingly the creed of all men. By 1860 the Democratic party had lost control of the North, while in the South it could assert the absolute sovereignty of the states, and the indisputable right of secession. The war decided otherwise; but the party, still persisting, has until recently found its main strength, as always, in the South. The old doctrine of states' rights, it is true, is no longer advocated even in the South, but it nevertheless lives on, influencing the minds of men as a powerful tradition, leading them to protest at every opportunity against the centralizing spirit of the time.

The Republican party, on the other hand, had its origin in discussions over a question of moral right and justice. Its formative period was at a time, not when powers were to be estimated, but when rights were to be asserted; its existence did not depend on interpretation, but on force. It looked eagerly to the central government for the exercise of this force as the only power through which its own principles could be maintained. It turned to the central government, not because of its theories, but because of its necessities; and the war only increased this habit of looking for a central power—a directing force—which, of necessity if not of right, subordinated everything to itself. This was its necessary outcome, because the "saving of the Union" and its reconstruction—results to be accomplished at any cost—made the effective centralization of power necessary for success. It is not strange, therefore, that a party with the tradition of a four years' dictatorship and the memory of an "absolute Congress"; with firm faith in the utility of law and the potency of government for good; above all feeling that the doctrine of states' rights was the justification of "traitors" for the destruction of the Union—the Union which it saved—it is not strange that the tendency of such a party should make for centralization and not for localism.

Nor is it strange that these two parties, in moulding the convention idea for its highest work, should divide on what is perhaps the most distinguishing principle of their respective organizations.

CARL BECKER.



## DOCUMENTS

### *1. Accounts of Star Chamber Dinners, 1593-4.*

At the close of the day's work in the Court of Star Chamber, the judges and clerk of the court and, on some occasions, the solicitor and attorney-general, dined at the public expense in the adjoining dining-room commonly called the Inner Star Chamber. This custom dated at least from the beginning of the reign of Henry VIII. Among the Lansdowne collections in the British Museum are a number of manuscripts which throw light on the menus and expenses of these repasts and give some idea of what was regarded as a good dinner in the sixteenth century. Although at different times the Court of Star Chamber sat on different days of the week until, in the reign of Elizabeth, Wednesday and Friday became the customary Star Chamber days, Friday seems always to have been a favorite day, and in glancing over the elaborate bills of fare of some of the "fishdays" a suspicion arises that a weakness on the part of the "Lords of the Star Chamber" for the products of the sea may have had something to do with the determination of the court days.

Lansdowne MS. 1, Art. 49, is an account of the expenses of seventeen Star Chamber dinners "before Wolsey was Cardinal, 1509," to which is affixed, among other signatures, that of Wolsey as Bishop of Durham. The total cost of these dinners was £35 os. 5d. In Lansdowne MS. 69, Art. 6, is preserved "A note of the chardges of dynners of a fleshday and a dynner on a fishday in the Starre chamber" in the years 10, 13, 14, 15, 24, 25, 26, 29, 30 and 33 Henry VIII. The least expensive "fleshday" dinner, that of Thursday, July 4, 30 Henry VIII., cost 30s. 7d., but on Monday, July 14, 14 Henry VIII., the expenses rose to 76s. 4d., and on Monday, May 4, 26 Henry VIII., when the ambassadors of Scotland were guests of the Lords, the cost of the dinner was £4 11s. 8d. The least expensive "fishday" dinner cost 43s. and the most expensive, that of January 26, 33 Henry VIII, cost 79s.

In Lansdowne MS. 58, Art. 60, will be found the itemized accounts of a "fleshe dinner" and a "fish daie" in February 1588, together with an estimate of the total expense of the Star Chamber

dinners of the year. The six dinners of "Candelmas Terme" cost £103 13s. 6d; the eight dinners of Easter Term cost £138 4s. 8d.; the six dinners of Midsummer Term cost £103 13s. 6d. and the sixteen dinners of Michaelmas Term cost £276 9s. 4d.—making a total expense of £622 1s.

Lansdowne MS. 59, Art. 41, contains itemized accounts of six Star Chamber dinners in 1588 and 1589, the most expensive of which cost £21 9s. 11d., the least expensive £15 8s. 10d.

The economical Lord Burghley seems to have been disturbed by the growing extravagance of these dinners. On one of the leaves of Lansdowne MS. 1, Art. 44, are some notes in his own handwriting of the cost of the Star Chamber dinners of 1559, 1579, and 1590. According to these notes "the ordinary chardgs of a dynner" in 1559 were £4 10s. or £5 9s., while in 1579 they were £8 or £10, and in 1590 £17 or £18. The total cost of the dinners of 1590 was £1130—enough to alarm any Lord Treasurer.

All of the manuscripts just quoted are of interest, but of still greater interest, because the accounts it contains are more minutely and carefully made out, is additional MS. 32117 D., which is here published entire. The investigations of Burghley, whose signature, together with that of the Lord Keeper Puckering, appears at the end of the manuscript, may be responsible for the extreme minuteness of these accounts, and it is worthy of notice that the most expensive of these dinners cost £15 12s. 10d., which is a little less than the average cost of the dinners of 1590. It may be that Burghley put an end to the Star Chamber dinners altogether, for Hudson, in his *Treatise on the Court of Star Chamber*, written during the reign of James I., says that the custom of dining in the court was suspended for a time. "Yet surely," he adds, "it was happily renewed: it being a means of dispatch of much business, which, for the sparing of little money, was disappointed."

CORA L. SCOFIELD.

Diett dominorum Consilii CLXVI<sup>u</sup> V<sup>a</sup> V<sup>a</sup> ob.<sup>1</sup>

So<sup>m</sup> p Stanley et allocat<sup>r</sup> ei Terminis Michs et Pasche 1593 et 1594.

Termino sancti Hillary 1593.

Thexpences of the dyetts provided for  
the Queenes ma<sup>ties</sup> most honorable  
Counsell at her Graces Starre-chamber  
During this Hillarye terme in the yeare  
of the raigne of our most soueraigne  
ladye queene, Elizabeth & c the XXXVI<sup>th</sup>.  
1593. viz.

Die Veneris XXV<sup>o</sup> Imprimis in bread<sup>a</sup>—XXII<sup>o</sup> in beere—VII<sup>o</sup> } XL<sup>o</sup> VI<sup>o</sup>  
die January. 1593. VI<sup>o</sup> in Ale—V<sup>o</sup> in flower—VI<sup>o</sup> }

Præsentibus	Item in Oysters—III <sup>o</sup> in sweet butter—II <sup>o</sup> in	my L. cheiffe Barron
my L. of Cant.	old Ling <sup>4</sup> —X <sup>o</sup> in Greene fishe—VIII <sup>o</sup> in	
my L. Keeper	salte Salmon—VIII <sup>o</sup> in salt Eeles—IX <sup>o</sup> in	my L. cheiffe Barron
my L. of Buckhurst	Pykes—XVI <sup>o</sup> in Carpes—XVI <sup>o</sup> in Breames	
my L. Stafford	—XIII <sup>o</sup> in Tenches—VII <sup>o</sup> in Knobberds	my L. cheiffe Barron
my L. B. of Worcester	—II <sup>o</sup> VI <sup>o</sup> in great Eeles—VIII <sup>o</sup> in Whittings—	
my L. Northe	XIII <sup>o</sup> in Perches—VIII <sup>o</sup> in Flounders—	my L. cheiffe Barron
Sir John Fortescue	III <sup>o</sup> in Rochetts—VI <sup>o</sup> in Shrimpes—XVIII <sup>o</sup>	
Sir Tho : Hennage	in Playce <sup>3</sup> —VII <sup>o</sup> in Sooles—VI <sup>o</sup> in Trowtes	my L. cheiffe Barron
my L. cheiffe Justice	VII <sup>o</sup> in Barbell <sup>5</sup> —V <sup>o</sup> in Crey fyshe—II <sup>o</sup> VI <sup>o</sup>	
of England	in Gurnerdes—VI <sup>o</sup> in Lampreis—III <sup>o</sup> in 1	XIII <sup>u</sup> V <sup>o</sup> III <sup>o</sup> <sup>4</sup>
	freshe Salmon and a chyne <sup>7</sup> —XXI <sup>o</sup> in Smelts	Mr. Cromwell
	—VII <sup>o</sup> in Scalopps—II <sup>o</sup> in lambe—III <sup>o</sup> III <sup>o</sup> <sup>4</sup>	
	in Veale—II <sup>o</sup> III <sup>o</sup> <sup>4</sup> in Codd <sup>8</sup> —III <sup>o</sup> in	Mr. Cromwell
	Woodcocks—III <sup>o</sup> in Capons—V <sup>o</sup> in Quinces	
	—VI <sup>o</sup> in Crabbes—III <sup>o</sup> in Partridges—V <sup>o</sup> in	Mr. Mylles <sup>9</sup>
	Larkes—XX <sup>o</sup> in Creame—II <sup>o</sup> VI <sup>o</sup> <sup>4</sup> in pounded	
	butter—VIII <sup>o</sup> in Apples—II <sup>o</sup> in Orringes	Mr. Mylles <sup>9</sup>
	and Lemmans—XX <sup>o</sup> in Eggs—VI <sup>o</sup> in bar-	
	berryes—XII <sup>o</sup> in Rosewater—XII <sup>o</sup> in por-	Mr. Mylles <sup>9</sup>
	tag <sup>6</sup> —III <sup>o</sup> in boatehire in all—III <sup>o</sup> III <sup>o</sup> <sup>4</sup> in all	

Sm<sup>a</sup>—XV<sup>u</sup> V<sup>o</sup> X<sup>o</sup>.

p<sup>r</sup><sup>9</sup>

<sup>1</sup> Obolus, a halfpenny.

<sup>2</sup> "Solvitur."

<sup>3</sup> Throughout these accounts the payment follows the purchase.

<sup>4</sup> A kind of codfish.

<sup>5</sup> Also spelled "plaise" and "playse."

<sup>6</sup> Isaac Walton says, "a barbel, though he be of a fine shape, and looks big, yet he is not counted the best fish to eat, neither for his wholesomeness nor his taste."

<sup>7</sup> A kind of salmon.

<sup>8</sup> William Mill, made clerk of the Court of Star Chamber in 15 Elizabeth.

<sup>9</sup> For "probat<sup>r</sup>". The auditor's mark of verification. In the manuscript it is generally above or on a line with the sum audited.

Die Mercurii XXX<sup>mo</sup> Imprimis in breade—XXIII<sup>a</sup> in Beere VII<sup>a</sup> } XII<sup>a</sup> VI<sup>a</sup>  
 die Januarii. 1593. VI<sup>a</sup> in Ale—V<sup>a</sup> in flower—VI<sup>a</sup> \_\_\_\_\_

Praesentibus	Item in Oysters—IIII <sup>a</sup> in XVI <sup>mo</sup> stone of	
my L. of Cant.	beeffe at XX <sup>a</sup> the stone <sup>1</sup> —XXVI <sup>a</sup> VIII <sup>a</sup> in	my L. cheiffe Justice
my L. Keeper	Bacon—IIII <sup>a</sup> in Neats touns—VI <sup>a</sup> in Joynts	my L. chieffe Barron
The Earle of Essex	of Mutton to boyle and to rost—XII <sup>a</sup> in	Sir Wiltm Manering
my L. Admirall	Joynts of Veale to rost and for Pyes—XII <sup>a</sup>	
my L. of Buckhurst	in Suett—II <sup>a</sup> VIII <sup>a</sup> in Marrowebones—II <sup>a</sup> in	
my L. B. of Worcester	Lambe—X <sup>a</sup> in zeame <sup>2</sup> for Fritters—IIII <sup>a</sup> in	
Sir John Fortescue	Capons—XVIII <sup>a</sup> VIII <sup>a</sup> in Turkeys <sup>3</sup> —XX <sup>a</sup>	XII <sup>a</sup> XI <sup>a</sup>
Sir Tho. Hennage	in Pulletts—XIII <sup>a</sup> IIII <sup>a</sup> in Partrids—XVI <sup>a</sup>	
Sir Robte Cecill	VIII <sup>a</sup> in XII Mallards—XII <sup>a</sup> in Teales—X <sup>a</sup>	
	in Woodcocks—X <sup>a</sup> in Plouers—XII <sup>a</sup> in	Mr. Wade
	Snyts—X <sup>a</sup> in larks—V <sup>a</sup> in Rabbetts—VI <sup>a</sup>	Mr. Crumwell
	VIII <sup>a</sup> in hearbes—III <sup>a</sup> IIII <sup>a</sup> in Eggs—VI <sup>a</sup>	Mr. Mylles
	in pounded butter—X <sup>a</sup> in Creame—II <sup>a</sup> IIII <sup>a</sup>	
	in Apples for tarts—II <sup>a</sup> in Orringes and	
	lemans—XII <sup>a</sup> in Rose Water—XII <sup>a</sup> in Bar-	
	berries—XII <sup>a</sup> in portage—III <sup>a</sup> IIII <sup>a</sup> in Boat-	
	hire in all—III <sup>a</sup> IIII <sup>a</sup> in all _____	

Sm<sup>a</sup>—XIII<sup>a</sup> XII<sup>a</sup> VI<sup>a</sup>

p<sup>r</sup>

<sup>1</sup> In the accounts of the dinner of February 5, 1588, in Lansd. MS. 58, Art. 60, beef is quoted at 2s. the stone, while thirteen joints of mutton for that occasion cost 24s. and nine joints of veal 22s. 6d.

<sup>2</sup> Lard.

<sup>3</sup> In Baker's *Chronicle* it is stated that about 15 Henry VIII., "it happened that divers things were newly brought into England, whereupon this rhyme was made :

Turkeys, Carps, Hoppes, Piccarel and Beer,  
 Came into England all in one year."





Die Mercurii VI <sup>o</sup> die Febr. 1593	Imprimis in Breade—XXIII <sup>a</sup> in Beere—VII <sup>a</sup> VI <sup>d</sup> in Ale—V <sup>a</sup> in flower—V <sup>a</sup> _____	XL <sup>a</sup> VI <sup>d</sup>
Praesentibus my L. of Cant. my L. Keeper my L.B.of Worcester my L. of Buckhurst Sir John Fortescue Sir John Wolley Sir Robte Cecill my L. cheiffe Justice of England	Item in Oysters—IIII <sup>a</sup> in XVI <sup>ten</sup> stone of beeffe at XX <sup>d</sup> the stone—XXVI <sup>a</sup> VIII <sup>d</sup> in Bacon—IIII <sup>a</sup> in Neats Tounge—VIII <sup>a</sup> in Joynts of Mutton to boyle and to rost— XII <sup>a</sup> in Joynts of Veale to rost—XII <sup>a</sup> in II Joynts of Veale for Pyes—III <sup>a</sup> in Suett— III <sup>a</sup> in Marrowebones—II <sup>a</sup> in zeame for Fritters—IIII <sup>a</sup> in Lambe—X <sup>a</sup> in Capons— XVI <sup>a</sup> VIII <sup>d</sup> in Turkeyes—XVIII <sup>a</sup> in Pulletts —XIIII <sup>a</sup> in Partridgs—XV <sup>a</sup> in Mallards— IX <sup>a</sup> in Teales—VIII <sup>a</sup> in Woodcocks—X <sup>a</sup> in plouers—XII <sup>a</sup> in Snytes—VIII <sup>a</sup> in Larkes— V <sup>a</sup> in Rabbetts—VI <sup>a</sup> VIII <sup>d</sup> in hearbes—III <sup>a</sup> IIII <sup>d</sup> in Eggs—VIII <sup>a</sup> in pounded butter— XII <sup>a</sup> in Creame—II <sup>a</sup> IIII <sup>d</sup> in Apples for Tarts—II <sup>a</sup> IIII <sup>d</sup> in Orrenge and lemons— XII <sup>d</sup> in Rose Water—XII <sup>d</sup> in Barberryes— XII <sup>d</sup> in portage—III <sup>a</sup> IIII <sup>d</sup> in Bootehire in all —III <sup>a</sup> IIII <sup>d</sup> in all _____	Sir Tho. Mildmaye Sir Henry Knevet  Sir Martyn Frobyser        XII <sup>u</sup> VIII <sup>a</sup> VIII <sup>d</sup>  Mr. Attorney Mr. Solicitor Mr. Asheley Mr. Mylles
	Sm <sup>a</sup> —XIIII <sup>u</sup> IX <sup>a</sup> II <sup>d</sup>	

Die Veneris VIII <sup>o</sup> die Febr. 1593.	Imprimis in Bread—XXIII <sup>o</sup> in Beere—VII <sup>o</sup> VI <sup>o</sup> in Ale—V <sup>o</sup> in flower—V <sup>o</sup>	XL <sup>o</sup> VI <sup>o</sup>
Praesentibus my L. of Cant. my L. Keeper my L. B. of Worcester my L. of Buckhurst Sir John Fortescue Sir John Wolley Sir Robte Cecill my L. cheiffe Justice of England Doctor Abrey	Item in Oysters—IIII <sup>o</sup> in sweet Butter—II <sup>o</sup> in ould Lyng—XV <sup>o</sup> in Grene Fishe—IX <sup>o</sup> in salt Salmon—IX <sup>o</sup> in great Pykes—XII <sup>o</sup> in smaller Pykes—V <sup>o</sup> in great Carpes—XII <sup>o</sup> in smaller Carpes—V <sup>o</sup> in great Breames—XIIII <sup>o</sup> in Tenches—X <sup>o</sup> in Perches—VIII <sup>o</sup> in great Eeles—VIII <sup>o</sup> in Knobberds—III <sup>o</sup> in Her- rings—XII <sup>o</sup> in Trowts—VI <sup>o</sup> in Creyfishe— II <sup>o</sup> in Gurnerds—XII <sup>o</sup> in Whittings—XIII <sup>o</sup> in salt Eeles—VI <sup>o</sup> in one freshe Salmon and a Chyne—XVIII <sup>o</sup> in Smelts—VI <sup>o</sup> in Rochetts —VIII <sup>o</sup> in Lambe—III <sup>o</sup> IIII <sup>o</sup> in Veale—II <sup>o</sup> IIII <sup>o</sup> in Capons—V <sup>o</sup> in Woodcocks—IIII <sup>o</sup> in Stockfishe—IIII <sup>o</sup> in Partridgs—V <sup>o</sup> in Larkes —XX <sup>o</sup> in Scaloppes—III <sup>o</sup> in Shrimpes— XVI <sup>o</sup> in Lamperns—VI <sup>o</sup> in Turbott—VII <sup>o</sup> in Quinces—VI <sup>o</sup> in hearbes—III <sup>o</sup> IIII <sup>o</sup> in Creame—II <sup>o</sup> VIII <sup>o</sup> in Pounded butter—XII <sup>o</sup> in Apples for Tarts—XII <sup>o</sup> in Eggs—VI <sup>o</sup> VIII <sup>o</sup> in Barberries—XII <sup>o</sup> in Rose Water —XII <sup>o</sup> in Orrenges and lemons—XII <sup>o</sup> in portage—III <sup>o</sup> in Bootehire in all—III <sup>o</sup> IIII <sup>o</sup> in all	Serieaunt Fleetwood   Sir Martyn Frobyser    XIII <sup>o</sup> XI <sup>o</sup> VIII <sup>o</sup>  Mr. Assheley  Mr. Mylles

Sm<sup>o</sup> XV<sup>o</sup> XII<sup>o</sup> II

p<sup>r</sup>

Die Mercurii XIII<sup>o</sup>  
die Febr. 1593

Imprimis in Bread—XXIII<sup>a</sup> in Beere—VII<sup>a</sup>  
VI<sup>a</sup> in Ale—V<sup>a</sup> in flower V<sup>a</sup> } XL<sup>a</sup> VI<sup>a</sup>

Praesentibus  
my L. Keeper  
my L. of Buckhurst  
Sir John Fortescue  
my L. cheif Justice  
my L. Anderson  
my L. cheif Barron  
Barron Vous  
Mr. Attorney  
Mr. Solicitor

Item in Oysters—IIII<sup>a</sup> in sweet butter—II<sup>a</sup>  
in ould Lyng—XII<sup>a</sup> in Greenefishe—IX<sup>a</sup> in  
salt Salmon—IX<sup>a</sup> in great Pykes—XII<sup>a</sup> in  
smaller Pykes—V<sup>a</sup> in great Carpes—XII<sup>a</sup> in  
smaller Carpes—V<sup>a</sup> in great Breames—XIIII<sup>a</sup>  
in Tenches—IX<sup>a</sup> in Perches—VIII<sup>a</sup> in great  
Eeles—VIII<sup>a</sup> in Knobberds—II<sup>a</sup> in salt Eeles  
—VIII<sup>a</sup> in Flounders—V<sup>a</sup> in Trowts—VI<sup>a</sup> in  
Creyfishe—III<sup>a</sup> in Gurnerds—X<sup>a</sup> in Whittings  
—XII<sup>a</sup> in Lamperns—IIII<sup>a</sup> in one freshe  
Salmon and a Chyne—XVI<sup>a</sup> VIII<sup>a</sup> in Smelts  
—VI<sup>a</sup> in Rochetts—V<sup>a</sup> in Playce—VII<sup>a</sup> in  
Shrimpes—XII<sup>a</sup> in veale—II<sup>a</sup> IIII<sup>a</sup> in lambe  
—III<sup>a</sup> IIII<sup>a</sup> in Capons—V<sup>a</sup> in Stockfishe—  
IIII<sup>a</sup> in Woodcocks—IIII<sup>a</sup> in Partridgs—V<sup>a</sup>  
in Quinces—VI<sup>a</sup> in Larkes—XX<sup>a</sup> in hearbes  
—III<sup>a</sup> IIII<sup>a</sup> in one Turbott—VII<sup>a</sup> in Creame  
—II<sup>a</sup> VIII<sup>a</sup> in pounded butter—XII<sup>a</sup> in  
Apples for Tarts—XVI<sup>a</sup> in Eggs—VIII<sup>a</sup> in  
Barberryes—XII<sup>a</sup> in Rose-Water—XII<sup>a</sup> in  
Orreniges and lemons—XX<sup>a</sup> in portage—  
IIII<sup>a</sup> in Bootehire in all—IIII<sup>a</sup> IIII<sup>a</sup> in all

Sir Michael Blun  
Sir John Smythe  
Sir Edw : Hobbye  
Sir Henry Kneve

XIII<sup>a</sup> XII<sup>a</sup> IIII<sup>a</sup>

Mr. Assheley

Mr. Crumwell

Mr. Mylles

Sm<sup>a</sup>—XV<sup>u</sup> XII<sup>a</sup> X<sup>a</sup>

p<sup>r</sup>

Sm<sup>a</sup> Totall of the  
charges of  
thaforsaid sixe  
Dinners

IIII<sup>a</sup> X<sup>u</sup> XI<sup>a</sup> VI<sup>a</sup>

p<sup>u</sup>

Hereafter ensueth all manner of provitions necessarye for the furniture of the dyetts aforesaid provided in the Starchamber for the Q. ma<sup>ties</sup> most honorable Counsell during this Hillary Terme.

1593.

Imprimis for VII loads of great Coales at XXV<sup>s</sup> the loade—VIII<sup>s</sup> XV<sup>s</sup> Item for XVIII sakes of small Coles at VII<sup>d</sup> the sacke—X<sup>s</sup> VI<sup>d</sup> Item for V<sup>s</sup> of faggotts at VI<sup>s</sup> VIII<sup>d</sup> the C—XXXIII<sup>s</sup> III<sup>d</sup> Item to Mr. Maior the Pewterer for II wyne gallons and VII Pyeplates weying XXXI<sup>li</sup> di<sup>l</sup> at VII<sup>d</sup> the li—XVII<sup>s</sup> XI<sup>d</sup> Item for IIII busshells of the best whyte salt at II<sup>s</sup> the b<sup>3</sup>—VIII<sup>s</sup> Item for III b<sup>3</sup> of baye salt at XX<sup>d</sup> the b<sup>3</sup>—V<sup>s</sup> Item for II sacks to putt the said salt in—III<sup>s</sup> IIII<sup>d</sup> Item for X gallons of the best whyte wyne vineger at II<sup>s</sup> the gallon—XX<sup>s</sup> Item for XIII gallons of the best Redwyne vineger at XX<sup>d</sup> the gallon—XXI<sup>s</sup> VIII<sup>d</sup> Item for XII gallons of the best verges<sup>1</sup> at X<sup>d</sup> the gallon—X<sup>s</sup> Item for III Rundletts<sup>2</sup> to putt the said vineger and verges in—III<sup>s</sup> VI<sup>d</sup> Item for boote-hire for the said salte and vineger at seuerall tymes—XVI<sup>d</sup> Item for earthen potts saucepotts, pipkins<sup>3</sup> and pannes spent in the kitchin this terme—IX<sup>s</sup> Item for fyne whyte salte spent at the Lords table this terme—XX<sup>d</sup> Item for Mustard and Onyons spent in the kitchin this terme—VI<sup>s</sup> Item for II newe basketts bought for the markett this terme—III<sup>s</sup> VIII<sup>d</sup> Item for a small baskett to cary fruite in this terme—XVIII<sup>d</sup> Item for another close baskett to cary and recarye the Naperye to and from the Starchamber this terme—III<sup>s</sup> IIII<sup>d</sup> Item for wast paper spent in the pasterye this Terme—III<sup>s</sup> Item for Broomes spent in the office of the Starchamber this terme—II<sup>s</sup> Item for clensing the withdrawing place—II<sup>s</sup> VI<sup>d</sup> Item for ale yeast in the kitchin this terme and for fetchng the same—III<sup>s</sup> IIII<sup>d</sup> Item for carrying the dust and soyle out of the kitchin and other offices there this terme—II<sup>s</sup> Item for perfumes for the Lords Dyneing Roome this terme—VI<sup>s</sup> Item for Can-

<sup>1</sup> *Dimidietas*, a half. The multiplication seems to be incorrect here.

<sup>2</sup> Verjuice. It was used in sauces and otherwise.

<sup>3</sup> Small casks. Also spelled runlet.

<sup>4</sup> Small earthen pots.

dells spent in the kitchin and Buttery this terme  
 —II<sup>a</sup> Item for XII gallons di. of the best redd  
 wyne to fill up thother hoggesheads of wyne at II<sup>a</sup>  
 IIII<sup>d</sup> the gallon—XXIX<sup>a</sup> II<sup>d</sup> Item for a Case of  
 Oyster knives—IIII<sup>a</sup> Item for XXXV hoopes at  
 II<sup>d</sup> ob the hoope—VII<sup>a</sup> III<sup>d</sup> ob Item for truggs<sup>1</sup>  
 and trayes—IX<sup>a</sup> VIII<sup>d</sup> Item for a newe Flaskett<sup>2</sup>  
 —II<sup>a</sup> VI<sup>d</sup> Item for sand and whiting to Scowre  
 withall—XVIII<sup>d</sup> Item for II white brusses—VI<sup>d</sup>  
 Item for IIII doozen of Russes to strawe the Lords  
 Dyneing Roome at IIII<sup>a</sup> the doozen—XVI<sup>a</sup> Item  
 for gathering together and keeping the vessell  
 of the Starchamber this terme—VI<sup>a</sup> VIII<sup>d</sup> Item  
 for dressing and keeping cleane of the Lords  
 Dyneing Roome and other Roomes above this  
 terme—III<sup>a</sup> IIII<sup>d</sup> Item for salt butter fetched from  
 the Chandlers this terme aswell for the Raunge and  
 pasterye as otherwise—XIII<sup>a</sup> IIII<sup>d</sup> Item for VIII  
 ells of course canvas for wipers and baggs against  
 this terme—VIII<sup>a</sup> Item for heming and makeing  
 of the said Wypers and Baggs and for thread—VI<sup>d</sup>  
 Item to the Plomer for mending the Pypes—III<sup>a</sup>  
 IIII<sup>d</sup> Item to him for soulder for the pypes—IIII<sup>a</sup>  
 II<sup>d</sup> Item for a hearem<sup>3</sup> Roope to drye the wett nap-  
 erye upon this terme—III<sup>a</sup> IIII<sup>d</sup> Item for carryeing  
 and recaryeing the Starchamber plate—V<sup>a</sup> Item to  
 John Gill for carryeing it to and from the Star-  
 chamber and for his Diligence and well looking  
 to it—V<sup>a</sup> Item for II Cheshire cheeses bought for  
 the Lords bord this terme—X<sup>a</sup> Item for III new  
 streyners bought for this terme—II<sup>a</sup> VI<sup>d</sup> Item for  
 larde to larde the Lords meat this term—V<sup>a</sup> Item  
 for new glassing amending and leadding the glasse  
 windowes in the Starre chamber in and against  
 this terme—XXXVI<sup>a</sup> III<sup>d</sup> Item to Mr. Flint her  
 ma<sup>tes</sup> Locksmyth for translating makeing and  
 mending diuers lockes and keyes in and about the  
 the Starchamber in and against this terme—III<sup>II</sup>  
 VII<sup>a</sup> VIII<sup>d</sup> Item for a Case of knyves for the Lords  
 bord this terme—VIII<sup>a</sup> Item to the Cowper for  
 his paynes looking to the wyne diuers tymes—

<sup>1</sup> Wooden baskets for carrying chips or vegetables; vide Halliwell's *Dict. of Archaic and Provincial Words*.

<sup>2</sup> A clothes-basket or a shallow washing-tub, according to Halliwell.

<sup>3</sup> Probably a misspelling of haeren or heren, made of hair.



VI<sup>s</sup> VIII<sup>d</sup> Item for his bootehire at seuerall tymes  
—III<sup>s</sup> IIII<sup>d</sup> Item for XVII gallons of the best  
sacke at III<sup>s</sup> IIII<sup>d</sup> the gallon—LVI<sup>s</sup> VIII<sup>d</sup> Item for  
XVIII gallons of the best whyte wyne at II<sup>s</sup> the gal-  
lon—XXXVI<sup>s</sup> Item for VI gallons of Muskadyne  
at III<sup>s</sup> IIII<sup>d</sup> the gallon—XX<sup>s</sup> Item for V gallons  
of Renishe wyne at III<sup>s</sup> IIII<sup>d</sup> the gallon—XVI<sup>s</sup>  
VIII<sup>d</sup> Item for fawcetts and quills<sup>1</sup> for the wyne  
Seller—II<sup>s</sup> Item for II newe Gimbletts—V<sup>s</sup> Item  
for bottles to bring the Lords wyne this terme—  
X<sup>s</sup> Item for pack threed this terme—VI<sup>d</sup> Item to  
the Cowper for his wages—V<sup>s</sup> Item for his Boote-  
hire—IIII<sup>s</sup> Item for strawing herbes and flowers for  
the Lords Roome this terme—VIII<sup>s</sup> Item payed to  
the Grocer for all manner of Spyces spent in and  
about the Lords dyetts sixe dayes this terme as  
appeareth by a bill Remayning—XIII<sup>li</sup> XIII<sup>s</sup> VI<sup>d</sup>  
Item for VI newe stooles—X<sup>s</sup> Item a newe presse  
for the plate in the Starchamber—XXVI<sup>s</sup> VIII<sup>d</sup>  
Item for a newe table in the Buttery—VII<sup>s</sup> Item  
for mending the Starrechamber formes—III<sup>s</sup> Item  
for mending the Raunge—III<sup>s</sup> IIII<sup>d</sup> Item for  
portage and bootehire for the said Stuffe—III<sup>s</sup> IIII<sup>d</sup>  
Item for mending the buttery stayres—II<sup>s</sup> Item  
for pales—II<sup>s</sup> Item for a Coale shovell—XIIII<sup>d</sup>  
Item for sweeping of the Starchamber Chymneys  
—XVI<sup>d</sup> Item for II loads of gravell—II<sup>s</sup> Item for  
vrinalls—VIII<sup>d</sup> Item for a hoggeshead of Beere  
spent more than ordynary this term—VII<sup>s</sup> VI<sup>d</sup>  
Item for one kilderkin<sup>2</sup> of Ale spent more  
than ordinarye this terme—III<sup>s</sup> IIII<sup>d</sup> Item  
in Wages. viz to Stephen Treakell M<sup>r</sup> Cooke  
for his wages for VI dayes at VI<sup>s</sup> the daye—  
XXXVI<sup>s</sup> Item to him for lending of his stuffe  
this terme after IIII<sup>s</sup> the daye for VI dayes—  
XXIIII<sup>s</sup> Item to him for the Bootehire of himself  
his men stuffe and necessaryes this terme—IIII<sup>s</sup>  
Item to him for his paynes and travell in goeing  
to the markett and in reward—XXX<sup>s</sup> Item to  
Edward Tomlynys the Butler for his wages for VI  
dayes after XII<sup>d</sup> the daye—VI<sup>s</sup> Item to him for

LXXV<sup>li</sup> XIII<sup>s</sup> XI<sup>d</sup> ob  
p<sup>er</sup>

<sup>1</sup> Barrel-faucets.

<sup>2</sup> A small barrel.

whyte Cupps and trenchers<sup>1</sup> at XII<sup>d</sup> the Dinner—VI<sup>s</sup> Item to him for drincking glasses for the Lords this terme—V<sup>s</sup> Item to him for Rosewater for the Lords table at XII<sup>d</sup> the Dinner for VI Dinners—VI<sup>s</sup> Item for sweet Powder to cast amongst the naperye this Terme—V<sup>s</sup> Item for fawcetts and quills for beere and Ale this terme—XII<sup>d</sup> Item for II Armeing knyves<sup>2</sup>—II<sup>s</sup> VI<sup>d</sup> Item to Thomas Gibson the under butler for keeping cleane and sweet the Pantrye and Seller this terme—II<sup>s</sup> VI<sup>d</sup> Item to him for a Chipping knyfe<sup>3</sup>—VI<sup>d</sup> Item to him for bottles this terme—II<sup>s</sup> Item to him for glaseing the Case knyves this terme—VI<sup>d</sup> Item to the Laundres for washing the naperye VI dayes this terme at VIII<sup>s</sup> the daye—XLVIII<sup>s</sup> Item to the keper of the drye larder for his wages for seruing out of spices butter Eggs fruit and other necessaryes this terme after XII<sup>d</sup> the daye for VI dayes—VI<sup>s</sup> Item to the scowrer of the Starrechamber Vessell this terme for her wages—VIII<sup>s</sup> Item to Thomas Tucker the Porter for attending the doores VI dayes after XII<sup>d</sup> the daye—VI<sup>s</sup> Item to him for goeing to the markett this terme haveing IIII<sup>d</sup> euerye daye for VI dayes—II<sup>s</sup> Item to VII poore men laboring in the kitchin haveing VII<sup>d</sup> a daye a peece for VI dayes—XXIII<sup>s</sup> VI<sup>d</sup> Item to Nicholas Smythe for exercising the Stewards office as well for his wages as for his paynes and travell in going to the markett this Terme—XL<sup>s</sup> Item to William Goddard Vssher of the Starrechamber for diuers provitions and necessaryes provided and done for the Court of Starchamber as appereth by his Bill Remayning—V<sup>ii</sup> XVII<sup>s</sup> VI<sup>d</sup> in all \_\_\_\_\_

<sup>1</sup> Wooden platters.

<sup>2</sup> An arming-sword was a two-handed sword. An arming-knife may have been something like a modern chopping-knife.

<sup>3</sup> Chippings were fragments of bread, a chipping-knife a bread-knife.

THE WHOLL CHARGES aswell of the dietts and provisions necessarye for the furniture of the same provided for the Queenes Ma<sup>ties</sup> most honorable privye Counsell at her Graces Starre Chamber at westminster during this Hillary Terme in the XXXVI<sup>th</sup> yeare of her highnes most prosperous Raigne As also the wages of Certeine Officers and Ministers of the same. With—V<sup>u</sup> XVII<sup>r</sup> VI<sup>d</sup> layde out by the Vssher of the same Court as appeareth by his Bill Remayning—

CLXVI<sup>u</sup> V<sup>r</sup> V<sup>d</sup>. ob.

XI<sup>o</sup> April 1594.

Ex<sup>tr</sup> <sup>1</sup> Summa p Ric Sutton in absen<sup>t</sup> Jo Thomson Aud.

Jo. Puckering C. S.

W. Burghley.

XXIX<sup>o</sup> Aprillis  
1594.

Mr. Staneley I praye you paye out Mr. Nicholas Smith the some of one hundred and threescore pounds thirtene shillings penny halpeny which some with three hundred pounds paid by you to him in Michas and Hillary termes last doth aswell make full payment of this Liberate<sup>2</sup> as of the some of two hundred fourscore fourtene pounds, seven shillings eight pence uppon his Liberate for Michas terme aforesayd, 1593 as by the same apereth.<sup>3</sup>

W<sup>m</sup> Skynner

2. *Letters of Bancroft and Buchanan on the Clayton-Bulwer Treaty, 1849, 1850.*

THE letters printed below are taken from the voluminous papers and correspondence of the late Hon. Edmund Burke, of New Hampshire. Mr. Burke was a native of Vermont, but at the age of twenty-one removed to New Hampshire, in which state he held his residence until his death in 1882.

A lawyer by profession, he was from the days of Gen. Jackson's presidency down to Mr. Buchanan's administration, inclusive, among the most notable of Democratic politicians and ablest of political writers in New England.

He first made his mark as editor of the *Argus* newspaper, published in Claremont, New Hampshire, in 1833. The next year, removing to the adjoining town of Newport, he consolidated the *Argus* with the *Spectator* published in that town, the consolidated

<sup>1</sup> For "examinatur."

<sup>2</sup> A writ ordering a payment to be made and beginning with this word.

<sup>3</sup> This note is not in the same handwriting as the rest of the manuscript.

sheet becoming the *Argus and Spectator*, a weekly journal which has flourished ever since.

In those days, when the metropolitan dailies had but scant circulation outside of urban centres, the country press wielded an influence in the discussion of political questions and in the moulding of public opinion little comprehended to-day. In such sphere of editorial direction, Mr. Burke had no superior. Having early in his young manhood espoused the Democratic faith, his editorials were so vigorous and aggressive in style, so able and incisive in statement, that they soon attracted the widest attention; so wide, indeed, that in 1837 he was invited by the late President Polk and Felix M. Grundy, then Speaker of the House and U. S. Senator respectively, to take the editorial chair of the *Nashville Union*, the leading Democratic newspaper published in Tennessee. After careful consideration of this offer, he concluded to accept it, and proceeded to wind up his affairs in connection with the *Argus and Spectator*, in order that he might take up his new line of work at Nashville with as little delay as possible. But his personal and political friends in New Hampshire, loath to have him leave them, urgently pressed him to remain among them, promising among other things to send him to Congress at the next election if he would do so. In those halcyon days of the New Hampshire Democracy, a Democratic nomination meant a sure election, and under such inviting prospects, Mr. Burke recalled his acceptance of the Nashville proposition and resumed his editorial labors on the *Argus and Spectator*, broken in upon from time to time as his three congressional terms, dating from 1839, demanded.

The general rule in New Hampshire has been to give a man in Congress only two terms, but it so happened that a Whig Congressman from Tennessee by the name of Arnold furiously assailed both Mr. Burke and his adopted state in a debate on the floor of the House. Among other things, Mr. Arnold demanded to know if Mr. Burke was "a descendant of 'Burke, the Burker,' or some other Burke?" When Mr. Burke arose to reply, he said he would answer the gentleman from Tennessee in true Yankee fashion by asking him another question. He would ask "if the gentleman from Tennessee was a descendant of Benedict Arnold, or of some other Arnold?" This happy retort brought down the cheers of the House, and his constituents, in their pride and delight at the spirited defence of New Hampshire and her people, that followed, gave him another term.

During his congressional career, Mr. Burke proved himself to be a ready and forceful debater, and as a member of important com-

mittees was often designated, because of his literary ability and his vigorous style of writing, to write the reports of the committees to be laid before the House. His letters also, known as the Bundelcund letters, written in favor of a low tariff, were so vigorous in presentation, so logical in statement, and so convincing in argument that they were circulated in every part of the country, and undoubtedly contributed in a large measure towards the formulation and enactment of the tariff act of 1846.

Taking active part in the presidential campaign of 1844, which resulted in the election of Mr. Polk, he was, soon after the inaugural ceremonies in Washington, tendered the office of Commissioner of Patents, a tender which he accepted. In his administration of that office it is believed that he brought it up to a higher standard of efficiency than it had ever known before. At the expiration of Mr. Polk's term, Mr. Burke was offered a connection with Mr. Thomas Ritchie as joint editor of the *Washington Union*, the then Democratic organ of the country. He remained in such connection one year, when, not agreeing with the more conservative ideas and methods of Mr. Ritchie, he withdrew from the partnership and resumed his residence in New Hampshire.

From that time forward he devoted himself to his profession, and especially in the line of patent law. But in his devotion to the law he by no means gave up his activities in political and editorial fields. To those familiar with New Hampshire politics, indeed, it goes without saying that Mr. Burke was largely instrumental in bringing about the nomination of Franklin Pierce for the presidency in 1852. Unfortunately, the relations of the two men became much strained during Mr. Pierce's incumbency of the presidential office, and the result was the demoralization of the Democratic party in the state, and its loss to the Democratic column of states thereafter.

In his eleven years of Washington life, Mr. Burke had made the acquaintance of the most distinguished men of the nation. His strong personality, devotion to party and stout maintenance of his political opinions won alike the admiration of his friends and the respect of his foes. Hence his correspondence was large and varied and covered many topics of public concern.

GEO. E. BELKNAP.

I. BANCROFT TO BUCHANAN.<sup>1</sup>

NEW YORK, 16 Nov. 1849.

Dear Mr Buchanan

Yours of the 14. is just received. I have not a copy of your letter to me on the Mosquito affair ; but, remember its substance. You sent an

<sup>1</sup> From a copy enclosed in No. 11.



extract of your letter to Mr. Hise, in which you showed the total want of title on the part of Great Britain to any portion of Central America. To me, you wrote to consult with the Peruvian Minister ; and if possible to prevent Lord Palmerston's assuming the protectorate of Costa Rica, which state seemed to you not unlikely to place itself under England's wing. On the general subject, you wrote, that the disturbances and disputes among the states of Central America were so great, the president hardly knew what course : and *intimated* that some degree of order and union there must precede the intervention of the U. S. in their behalf.

This I followed up to Clayton, according to the spirit of your letter. Clayton replied by a copy of his letter to Squier, and instructing me to *converse* with the minister of Costa Rica, dissuading him from asking the protectorate of Great Britain. He also directed me to *converse* with Palmerston ; and in a certain emergency of which I was to judge, to *protest*,—and even menace a little. I was writing that protest as my recall came. Four days' more would have seen it in Lord P.'s hands.

Clayton will either back out, or throw the responsibility on Congress.

I kept a copy of Clayton's letter to me. Your letter to me on the Mosquito business was prudent and right ; and considering you had just signed a treaty for half of Mexico, went as far as was proper at the moment. Clayton went further, but I have no doubt, shrinks back from his own daring.

I went deeply into the study of the question : both as regards the tone of feeling in England : and as it regards title. I read in Paris every scrap of paper, relating to the negotiations in 1783, by which England pledged itself to evacuate the Mosquito Territory ; and had drawn from documents, which no one in our time but myself had read, which I may say no one ever before read (for I read English, French and Spanish documents), the clearest evidence as to the intent of the parties in 1783.

You are very good in your remarks about my history. I shall soon be at work again. My wife joins me in best regards.

Ever faithfully your friend,

GEORGE BANCROFT.

II. BUCHANAN TO BURKE.

*Strictly Private and Confidential*

Wheatland 3 Dec : '49.

My dear Sir

It is proper that you should know exactly what the late administration did in regard to the Mosquito question. I, therefore, send you the draft of the original instructions to M<sup>r</sup>. Hise and a letter which I received from M<sup>r</sup>. Bancroft. These you can frank back to me.

In order to understand the subject it is necessary to revert to the circumstances of the Country when Mr. Hise was sent to Guatemala. We had just closed the war with Mexico and indeed at the date of his instructions we had not learned the fate of the Treaty of Peace. The

Treaty was dated on the 22 Feb: 1848, the ratifications of it were exchanged at Queretaro on the 30<sup>th</sup> May and on the 3 June the Instructions to Hise were dated. It was not a moment to take a stand on the Mosquito question; although neither M<sup>r</sup> Polk nor any member of his Cabinet ever thought of abandoning the Monroe declaration at least so far as North America was concerned. We had no information from Central America at the time except that the five states of w<sup>ch</sup> it had been composed were in a state of the utmost confusion, involved in civil wars and utterly incapable of helping themselves. One of these Costa Rica was believed to be willing to ask the protection of Great Britain. M<sup>r</sup> Hise was sent abroad to cultivate an American spirit and a spirit of reunion among them, in order to enable them to resist the encroachments of Great Britain. Had they refused to do anything for themselves or had been willing to cast themselves in the arms of England, as Costa Rica was, it would have been difficult to help them. M<sup>r</sup> Hise was delayed from sickness and various causes in reaching Central America to so late a period *that at the close of the late administration we had not received from him the information as to the State of the Country which he was instructed to communicate.* Indeed, according to my best recollection we had not heard from him at all after he reached Guatemala. We, therefore, did not tell England she should not interfere with the rights of the Central American States on the Isthmus; though I think you will admit that enough appears on the face of his instructions and in the instructions to M<sup>r</sup> Bancroft to prove conclusively what was our determination. The moment had not arrived; but there is nothing more certain than that we would have resisted the pretensions of England: and I think this may be abundantly inferred from what we had done before the close of the late administration.

These papers are communicated to you in sacred confidence. I send Bancroft's letter because I think you ought to know what Clayton has done. I write in the midst of company and should like to write more but cannot do it without losing a mail. You can return the papers to me under M<sup>r</sup> Foote's frank.

With my kind regards for M<sup>rs</sup> Burke I remain always

y<sup>r</sup> friend

JAMES BUCHANAN

M<sup>r</sup> Burke.

### III. BUCHANAN TO MCCLERNAND.

*Private*

Wheatland 2<sup>d</sup> April 1850

My dear Sir

I never did believe that the sketch of the Nicaragua Treaty presented in the New York Tribune a few days ago could be correct, until I perceived that it was at least indirectly sanctioned by the Government Organs at Washington. According to this sketch the two first articles

ought to be resisted to the utmost extremity. They are neither more nor less than a solemn stipulation on the part of the United States to Great Britain, that at no future period, shall we ever annex to our Country, under any circumstances, any portion of the vast country of Central America, extending from North West to South East 1000 miles, and in breadth from 90 to 250 miles. Nay more it is a stipulation by which Great Britain, in fact, guarantees as against the United States, the integrity of the different States of Central America: and if we had just cause of war against these States at the present moment, and should conquer any portion of their territory, Great Britain, under the Treaty, might and would require us to abandon it, because we have pledged our faith to her, that we "will not take, use, hold, occupy nor exercise dominion over any portion of Central America, henceforth and forever." Let us enter into a similar stipulation with Great Britain in regard to Mexico, and our limits are forever bounded by the Rio Grande, for such would be the true purport and meaning of our engagement with that over-reaching power. The policy was steadily pursued by Mr Polks administration of urging the nations on the continent not to suffer Great Britain or any other European Power to interfere in their concerns. This policy was distinctly announced in my instructions to Mr Slidell of Nov 10-1845, to which I refer you, (page 71 and 72, Executive Document No. 52 of the first session of the 30th Congress) and was uniformly pursued throughout the whole administration.

And what will the Nicaragua Treaty effect, if its provisions have been correctly stated? Instead of the protectorate of the Mosquito King, which Great Britain had assumed without a particle of right, she will become substantially the protector of all the five States of Guatemala, Honduras, St. Salvador, Nicaragua and Costa Rica. Her province of British Honduras, or Belize, lies immediately north of these States, Jamaica is in front of them and the Island of Trinidad is to the South. She will command the whole Carribean Sea: and all the States along the sea as well as on the opposite Coast of the Pacific will consider her their protector under Treaty stipulations, against what she terms "the exorbitant ambition" of our Republic. Can it be that Democratic Senators will sanction this Treaty?

I say nothing about the stipulations of the Treaty for the neutrality of the Canal, and of all vessels within a reasonable distance from the ports at its termini and for the protection of the workmen &c &c. Had these stipulations been made with Nicaragua and not with Great Britain there could have been no objection to them. In the case of our Treaty with New Granada we were willing that New Granada should treat with England on this subject. But even in that case, we never for a single moment thought of placing ourselves in the power of Great Britain by entering into any Treaty stipulations with her on the subject. Even in regard to the canal there the case of New Granada and Mr. Polks Message quoted by the National Intelligencer on the 29<sup>th</sup> of April has no application. Still had the Treaty been confined to the neutrality of the canal it would

not have been alarming ; though wrong in principle to treat with her at all on such a subject.

If Sir Henry Bulwer can succeed in having the two first provisions of this Treaty ratified by the Senate he will deserve a British peerage. The consideration for our concessions is the relinquishment of the claim to the protectorate of the Mosquito Shore—so absurd and so unfounded that it has been ridiculed even by the London Times. Truly Sir Henry has brought this claim to a good market, when he found a purchaser in Mr Clayton.

The Treaty altogether reverses the Monroe Doctrine, and establishes it against ourselves rather than European Governments.

I had no intention of writing you a letter when I commenced. I intended merely to drop some hasty hints, to the Editor of [a] Democratic Journal. As I advanced the thought struck me that I would send them to you as suggestions for what they were worth. I regret that my personal acquaintance with you is so slight. This has not been my fault, for I have always entertained for you the highest respect. At all events you will pardon these hasty suggestions from one Democrat to another—on a question of vast importance and attach to them such importance as you think they may deserve.

Yours very respectfully

JAMES BUCHANAN.

Hon : John A. McClernand.

IV. BUCHANAN TO BURKE.

*Private and Confidential*

Wheatland 30 May 1850.

My dear Sir

I have received your favor of the 27<sup>th</sup> Instant and am sincerely sorry to learn that tomorrow will be the last day of your connection with the Union. Your loss will be seriously felt by the party throughout the Country and I know not how M<sup>r</sup> Ritchie can supply your place. I do not blame you, however, for retiring from the establishment to a more lucrative and less laborious situation.

Grund's effort was one of deep design. It was intended to draw me from the platform on which I have stood ever since my Berks County letter in 1847 and identify me with those who hold that whilst Congress possess the power to acquire new territories, they cannot afterwards preserve and govern them. I am not in public life and don't either know or much care whether I shall ever be : and I do not choose to write to M<sup>r</sup> Foote in praise of the Clay Compromise. I think there are some things in it very objectionable, but if I were in the Senate, after having tried to amend it, and especially to reduce the limits of California, I might vote for it as a pis aller. How can it settle the question? The North vote for it, because the Mexican law and the law of nature will exclude slavery from the territories ; and the South because the Constitution of

the United States has repealed the Mexican law and enables them to take and hold their slaves there. The Compromise will only therefore transfer the controversy to the territories to be brought back again from thence to Congress with additional acrimony. The Missouri Compromise would have finally settled the dispute ; but it is now too late. After the South have fought the last Presidential contest upon the doctrine of non-intervention, I do not see how it is possible for them to change their position, especially after the Northern Democracy have come up to it.

I feel much indebted to you for your article concerning myself. It would be every word correct if you had qualified the last sentence but one in accordance with what I have stated. But let it stand as it is.

The Nicaragua Treaty is even worse than I had supposed. It does not destroy the protectorate of England over the Mosquitoes ; but merely prevents her from using it for the erection of fortifications, &c., a thing wholly unnecessary to enable her to carry it into effect. Throughout Mr. Polk's administration, it was our steady policy to indoctrinate all the Southern nations on this Continent to avoid all political connexion with European nations and to establish an American policy. This Treaty reverses our principle and makes Great Britain the protector of the whole of Central America and establishes her influence there upon sure foundations. In the case of New Granada, we doubted much whether we would even guarantee to that Republic the neutrality of her small province of the isthmus : we never hesitated a single moment in the policy of refusing, should this become necessary, to enter into any Treaty with Great Britain on the subject. The furthest we were willing to go was to consent that New Granada might receive similar guarantees from Great Britain and France ; but to these we were to be no parties.

The only circumstance which could approach an equivalent to us, *would have been an absolute security, in war with Great Britain as well as in peace*, for our free intercourse through the canal with our possessions on the West Coast of America. To accomplish this the neutrality of the vessels not merely through the canal but from the port of their clearance to those of their destination ought to have been required. Great Britain would not have granted this. With British Honduras on the north, Jamaica on the North East, and her protectorate of the Mosquitoes and Central America on the Continent, the Caribbean Sea will be as completely under her control as the British Channel. In case of war with us, she will now be able to cut off entirely our intercourse through the Canal with California and Oregon. We have thus placed in her hands the most powerful weapon against ourselves.

To get clear of this Treaty will some day cost us a bloody war with Great Britain should she remain as powerful as she is at present. And yet if the Herald is to be believed, there were but ten votes in opposition to it !

from your friend

JAMES BUCHANAN.

Hon: Edmund Burke.



## REVIEWS OF BOOKS

*Zoroaster, the Prophet of Ancient Iran.* By A. V. WILLIAMS JACKSON, Professor of Indo-Iranian Languages in Columbia University. (New York: Columbia University Press; the Macmillan Co. 1899. Pp. xxiii, 314.)

AMONG the world's religious teachers Zoroaster deservedly holds so high a place that all those interested in the comparative study of religion are naturally eager to learn as much as possible of this great reformer's life. But the subject is one of much difficulty, and such divergent views have been held as to the details of the teacher's career which tradition has handed down to us, that the non-professional student has been often sadly at a loss in the past, as to what to accept and what to reject of the mass of material presented to him. But scholars have kept busily at work, and, as Professor Jackson points out in his preface, "our knowledge of Zoroaster has been greatly augmented from the traditional side, during the past few years, especially through the translations made by Dr. West from the Pahlavi texts. This mass of Zoroastrian patristic literature tends largely to substantiate much that was formerly regarded as somewhat legendary or uncertain. This has resulted in placing actual tradition on a much firmer basis and in making Zoroaster seem a more real and living personage." In view of these facts such a careful study as this of the life of Zoroaster will be warmly welcomed by all students, professional and non-professional, who wish to learn the judgment of a scholar of the first rank on various disputed points connected with the subject.

Professor Jackson has divided his book into two parts, in the first of which (pp. 1-144) he states the general results of his investigations, and in the second of which (pp. 145-294) he gives a critical discussion of some of the main questions touched on at earlier points in the book. This is an excellent arrangement, since it allows the student or general reader to get a comprehensive view of the prophet's career without confusing his mind with a multiplicity of details or of opinions, frequently conflicting. Should, however, more detailed information be desired than is given in the first part of the book, the full table of contents, the foot-notes and the excellent index will enable any one to find very readily in the critical appendixes what the author has to say on any given point.

Before giving an outline of Zoroaster's life as told by Professor Jackson, it may be well to have our author's statement of his own opinion on the basal question "whether Zoroaster be a historical personage, a real figure whose individuality is indelibly stamped upon the religion of Persia

of old." This is his answer to this question (p. 3): "An affirmative answer must be given, for Zoroaster *is* a historical character. This point is emphasized because it is not so long ago that advanced scholarship for a time cast a cloud over the subject, but happily the veil of myth is now dispelled. Scholars are generally agreed that although legend or fable may have gathered about the name of the prophet of ancient Iran, the figure of the great reformer, nevertheless, stands out clearly enough to be recognized in its general outlines; and sufficient data for his life can be collected to enable one to give a clear and correct idea of his personality and individuality."

Zoroaster was born in western Iran, it would seem, about the middle of the seventh century B. C. Tradition has woven many marvellous tales about the story of his birth and early years, tales such as may be found in every religious literature. At the age of fifteen the prophet attains his majority, and assumes the "Kusti," or sacred thread. "From his fifteenth year to the age of thirty the tradition is more meagre in its details. The period is a time not so much of action as it is a time of religious preparation." At least part of this time was spent in retirement from the world. "This time of early retirement and seclusion must have been the period in which Zoroaster fought out the fight which waged in his own bosom and in which he began to solve the problem of life, the enigma of the world, and the question of belief, as his religion solved it. Here he doubtless began also to promulgate the first general truths out of which his religious system was evolved" (p. 35).

"At the age of thirty comes the divine light of revelation, and Zoroaster enters upon the true pathway of the faith. It is in this year that the archangel of good thought, Vohu Manah, appears unto Zarathushtra (Zoroaster) in a vision and leads his soul in holy trance into the presence of God, Ahura Mazda. The year of this first inspired revelation is known in the Pahlavi texts as 'the year of the Religion.' . . . During the ten years that followed this apocalyptic vision, Zoroaster has seven different conferences with Ahura Mazda and the six Amesha Spentas." By means of these various visions the revelation is completed. Then, like other religious leaders, Zoroaster has to pass through the ordeal of temptation by evil spirits, only to emerge triumphant from this searching test.

It was not till the end of this period of ten years—"years of wandering and struggle, of hope and dejection, of trial and temporary despair"—that he won his first convert. "This zealous adherent is his own cousin Maidhyōi-maōnha (Pahlavi Mētyō-māh), who is often mentioned in the Avesta and other writings. He is a very different character from Buddha's traitorous and schismatic cousin Devadatta, and he stands as the St. John of Zoroastrianism. Finally, in the twelfth year of the Religion, Kavi Vishtāspa (Pahlavi Kai Vishtāsp, Modern Persian Gushtāsp) is converted and becomes the Constantine of the Faith—the Rāja Bimbisāra, if not the Asoka, of Buddhism. After the King adopts the Creed, many conversions follow, and the Prophet's own family, relatives and

friends are frequently referred to in the Avesta and elsewhere as having become faithful adherents and believers."

The court soon followed the King's example, and "the Religion" gradually spread over Vishtāspa's realm. Not only are conversions made in this land, not only are some Turanian converts mentioned, but tradition has stories to tell of Hindus, and even of Greeks, who embraced the new faith.

But "the Religion" was not to spread without conflict, and with the great religious wars which we read of in the Avesta we reach a crucial point in the history of Zoroastrianism. There seem to have been two of these wars, the first having broken out, according to tradition, some seventeen years after Vishtāspa's conversion. The great opponent of Vishtāspa and of "the Religion" was Arejat-aspa, or Arjasp. Fierce battles were fought, and though victory ultimately rested with the "true" believers, it was purchased at great cost. The greatest loss sustained by the followers of Zoroaster was the death of the prophet himself, which occurred possibly at the beginning of the second war. Tradition is so unanimous that Zoroaster died a violent death in the seventy-seventh year of his age, that we may probably accept its accuracy. But while later Iranian writers state that his death took place at the storming of Balkh early in the second religious war, we cannot be sure that they are exact in their information, although it is possible that they are.

With the final overthrow of Arjasp began a period of rapid progress for "the Religion," a progress which met its first great check at the invasion of Alexander.

Such is a very bare outline of the story of Zoroaster's life, as told in the first part of Professor Jackson's book. The second part of the work is given up to seven critical appendixes entitled, respectively, as follows: Suggested Explanations of Zoroaster's Name; On the Date of Zoroaster; Dr. West's Tables of Zoroastrian Chronology; Zoroaster's Native Place and the Scene of his Ministry; Classical Passages mentioning Zoroaster's Name; Allusions to Zoroaster in various other older Literatures; Notes on Sculptures supposed to represent Zoroaster.

The list of books connected with the subject (pp. xi-xv), and the beautiful map of Persia and Afghanistan by Keith Johnston, with its key, are both valuable additions to the work.

This life of Zoroaster is an admirable piece of work, and both the author and all those interested in the subject are to be congratulated on the publication of this beautiful volume in which is told so well the story of the Prophet of Ancient Iran.

J. R. JEWETT.

*Papias and His Contemporaries.* By EDWARD H. HALL. (Boston: Houghton, Mifflin and Co. 1899. Pp. 318.)

OUR author starts out bravely. He tells us that Papias, bishop of Hierapolis in Phrygia, is the first living personality "after the Apostle

Paul, to present any marked individuality" (p. 3). This is high distinction for the Phrygian bishop, but he must notwithstanding be content with some twenty pages, descriptive of his life and labors. Papias is taken to be an exact contemporary of Justin and Marcion, and yet we are told that we are then standing "at the beginning of things, when the Christian Scriptures are not made, but making." The Third Evangelist is just beginning to write: "Forasmuch as many have taken in hand," etc. Is not this rather belated criticism of the New Testament literature? Chapter II. deals with Primitive Christian Literature, and Clement of Rome heads the list of authors passed in review. Surprise is expressed that Clement does not quote the words of Jesus as "*Scripture*." But why should he? Were they not "living words" to Clement and his contemporaries? Ignatius, Polycarp, Barnabas and the rest are hastily handled, and then we come in Chapter III. to Two Learned Doctors, who turn out to be Justin Martyr and Marcion. These are examined with special reference to their attitudes towards the New Testament writings. Justin has some document or documents before him which he calls *Memoirs*, *Gospels*, *Gospel* or *Teachings*, but "that these can be our four Gospels in the form in which we have them seems altogether improbable." The reasons given for this skepticism are, that Justin rarely follows the text of the Gospels exactly, and that "it is difficult to understand why, if he had such universally recognized works in his hands, he should never once have mentioned their names or claimed their authority." But if these four Gospels were "universally recognized," there was no necessity for Justin to make extended and exact quotations from them. And if they were not "universally recognized," Justin's silence about their names and his scant quotation from them, do not prove that he personally did not know of their existence. It is hardly accurate to say "that the Jewish Prophets were equally unknown and unhonored by pagan emperors." Moreover, the writings of the "ancients" have ever possessed a peculiar authority, and Justin was clever enough to take advantage of this fact. Marcion "is by far the most striking figure of this period." His "aggressive movement" began the process of singling out our three earlier Gospels, the material of which had existed for some time in a fluid and transient form, and of giving them final shape and sanction (p. 98). Chapter IV. discusses the Millennial Reign, and Papias is taken as a representative in this connection of "all the accepted writers—of all the Christian Fathers." It was out of such "crude and conflicting beliefs" that our Christian faith was born; and by a slow process our four Gospels were sifted out of a mass of "heterogeneous traditions" (p. 123). Our author makes much in his next chapter on Theological Speculations of the "conflicting views of Christ" which the Gospels and the Pauline Epistles present. He seems to forget that the Gospels are descriptive of Jesus' ministry and teaching, while as yet the fact and significance of His death and resurrection could not be taken into consideration. Paul, on the other hand, seeks to interpret Christ's life and work in the light of the Cross and Crown. Mr.

Hall tells us that it became to Paul more and more impossible to blend the earthly life [of Jesus] with the spiritual functions of the Son of God, and he ceased at last to attempt it. "His letters to his followers would have gained tenfold moral (more?) power, if reinforced by lofty maxims from the Master's lips. So at least it seems to us [*i. e.*, to Mr. Hall]. But no: a few allusions to His death and resurrection, two or three scanty references to the words of Christ . . . , that is all" (p. 151). If our author had applied himself as diligently to Paul's writings as he has to the Papias fragments, he would have written more guardedly on this point. And when he tells us that in the time of Papias there "was no Christian Church" (p. 193), we wonder if he has not forgotten still more of Paul and the early sources. However, on page 201 he speaks of an agitation which stirred the "young Christian Church." Now we wonder if he has not forgotten himself. The Mystic Gospel is the subject of the final chapter of this book, but there are some seventy pages of notes. As "a study of religious thought in the second century" the work fails to take account of the tremendous undercurrent of common Christian faith and life, which shortly comes to view in divers places, and finally sweeps along in a mighty tide of rising power.

E. K. M.

*The Post-Apostolic Age.* By LUCIUS WATERMAN, D.D., with an introduction by Henry Codman Potter, D.D., LL.D., Bishop of New York. [Ten Epochs of Church History, Vol. II.] (New York: Charles Scribner's Sons. 1898. Pp. xviii, 505.)

THE second and third centuries of Christian life and society have never so powerfully compelled the attention of the learned as during this century. It is now safe to say that the most brilliant victories of modern historical criticism have been won on this field, where scarcity of materials, divergence of mental temper and equipment, distance and difference of culture, not to speak of corporate bias and personal prejudice, combine to make the work of the searcher difficult and even painful.

In thirteen chapters Dr. Waterman takes his reader over the main features of this "dark and bloody ground," and, let me say at once, in a manner no less considerate than entertaining when we recollect that to this dim and remote tribunal all bodies of Christians look back with more or less respect and confidence. The boundaries of the Post-Apostolic Age he fixes between the years A. D. 100 and 313, or from the moral termination of the personal labors of the Apostles to the Edict of Milan. The literary sources of information for his narrative are next arrayed, whereupon he treats of the historic episcopate in the third and fourth chapters, and in the fifth, sixth, eleventh and twelfth, of the relations of the Church to the Empire. The archaic heresies of Ebionism and Gnosticism, the internal disciplinary strife concerning the mode of celebrating the Easter festival, the mixed controversy of Montanism, and Sabellianism, that thin wedge of great dogmatic heresies, take up the seventh and

eighth chapters. In the ninth is given a brief conspectus of the Christian literature of the period, and in the thirteenth are exposed the author's views concerning those early Christian institutions to which long since have been given the titles of canon of scripture, theology, sacrifice, sabbath, liturgy.

Dr. Waterman leans strongly to orthodox and conservative views, as may be seen by his treatment of the origin and nature of the Christian episcopate. Nevertheless, he expounds fairly and lucidly, not only the views of the old school of non-Episcopalians, but the brilliant attempts of such modern scholars as Harnack, Hatch, Réville and McGiffert. No doubt his work was in press before the latest views of Professor Harnack concerning the chronology of the Ignatian Epistles had been made known—else Dr. Waterman would have drawn from them a still more valid argument for his summary of the mind of Ignatius, viz., that the ministry of the episcopate, “while in some ways a new order of things, was substantially the same as that under which churches had been living for two or three generations before, and that this ministry of three orders, under either kind of head, the itinerant apostle or the diocesan bishop, was something far above the level of any clever device of human policy.”

Students of the early Church will be pleased with the sympathetic statements (p. 18) that the honesty of Eusebius is beyond suspicion, and that “his book represents the very highest scholarship and the very highest power of realizing its own history that the Church possessed at the close of the Post-Apostolic period.” Elsewhere (p. 87), the author asserts that “it is not scholarly to throw Eusebius overboard whenever one does not like his statements, and one may predict that after Lightfoot's examination of the Eusebian chronology of the bishops of Rome and the bishops of Antioch has had time to be digested by scholars generally, the old-time historian will be treated with more respect.”

Is it quite true, as stated on p. 105, that “by the time of Domitian it was a settled policy of the Roman Emperor to treat *Christianity* as a crime”? In the original acts and documents of the fateful struggle between the empire and the new society there appears nowhere an objective treatment of the Christian system. It is the *nomen* that is under sanction, the confession of an unknown social head and bond, the illicit meeting. In these earliest days it would seem as if the edict *Non licet esse vos*, a measure of police-justice, was held to be sufficient. As late as Tertullian, the apologists, while themselves conducting an academic campaign, complain chiefly of the suppression of the liberty of association. Indeed when pagans like Epictetus, Galen, or Marcus Aurelius let drop a contemptuous word against the Christians, it is directed against their stubbornness, their *pervicacia* in not ceasing to exist. Similarly the earliest Christian documents insist with much strength on the right and practice of association.

It is to be regretted that Dr. Waterman has made little or no use of the monumental material, now quite abundant, for the history of the



second and third Christian centuries. The *Bollettino* of De Rossi, the valuable writings of his disciples, the labors of Le Blant and Allard, the superb work of Duchesne, are now indispensable, not only to the thoughtful student of Christian antiquity, but to any cultured reader who would be abreast of the great movement in this direction. To neglect this material in such a work as the one before us is not unlike neglecting the latest excavations in the Forum and on the Palatine when writing of early Roman history.

The present writer cannot agree with Dr. Waterman (p. 195) as to the influence of the Clementines on the development of the tradition "that the bishops of Rome were peculiarly successors of St. Peter in that see." He rather holds with Harnack that too much stress has been laid on this,—indeed the Roman episcopal lists of Hegesippus and Irenaeus antedate any possible influence of the Clementines. Nor can these witnesses well be called non-Roman, since both spent many years at Rome, and both are professedly passive and recipient. It is possible that a perusal of the story of the Acilii Glabrones, as illustrated by the late excavations in Santa Priscilla, would lead Dr. Waterman to abandon his scepticism as to the martyrdom of the Consul Flavius Clemens. Is it not always too much (p. 389) to assert that the specific pro-Roman passages in the *De Unitate* of Cyprian are "forgeries"? It is a grave word, and one that needs sufficient external evidence to justify it. Any *innere Kritik* is not likely to show more, at this date, than the fact of interpolation,—but how, when, where, and by whom? It is a long cry to the fact of forgery.

The work of Dr. Waterman is well written, and omits none of the generally-known topics of interest that form the subject-matter of the history of this period. It is not without a bias,—indeed, it is impossible for a believing Christian to write such a book without bias. Training, faith, feeling, circumstances,—all combine to create in him a mental temper that cannot be set aside. All that can be asked is that the facts be carefully collected from every quarter, that they be scrutinized and set in their due sequence and relationship as far as is now possible, that the laws of enlightened and moderate criticism be known and applied, that caution be used in the assertion of things as certain, dubious, false, that the opinion of the critical searcher be set down in terms justified by the amount and conditions of the materials, and be not too much influenced by rhetoric or by the historical fancy,—those subtlest ways of prejudicing the mind of an ignorant or unsuspecting reader.

THOMAS J. SHAHAN.

*Geschichte Belgiens.* Von HENRI PIRENNE. Band I.: Bis zum Anfang des 14. Jahrhunderts. Deutsche Uebersetzung von FRITZ ARNHEIM. (Gotha: F. A. Perthes. 1899. Pp. xxiv, 496.)

IN M. Pirenne, Belgium has at last found an historian who combines an adequate knowledge of the local "sources" with a large historical

culture. Trained in German methods, evidently conversant with the most recent investigations, alike in Germany and France, in the field of medieval institutions, and master of a vigorous and lucid style, Professor Pirenne has produced a volume which will appeal both to the general reader in his own country and to the professed historical student there and elsewhere.

Beyond this general testimony to its interesting and scholarly character, I must perforce, from sheer ignorance, abstain from criticism. But it chanced that some seventeen years ago I had occasion to look into the sources for the history of Flanders in the age of the Artevelde, and to take stock of the then existing modern literature dealing with the period. And it has interested me to revive the recollections of my own juvenile and wooden performance, and to compare some of the conclusions which were natural enough then to the youthful enquirer with M. Pirenne's far more mature and competent judgment.

In narrating the "political" history, in the narrower sense, of Flanders and the surrounding territories in the thirteenth century, M. Pirenne has been unable to make much advance on the older Belgian writers, chief among them M. Kervyn de Lettenhove; and this for a couple of reasons. The material is scanty; and it has already been carefully worked over. M. Pirenne endeavors, and not without some occasional success, to supply the lacunae in the evidence of the chroniclers from his own wide knowledge of the general European situation, but nevertheless the story remains, and probably will continue to remain, full of the most sudden and most inexplicable changes of front—or what seems like changes of front—on the part of all the chief personages concerned. Even if M. Pirenne did not himself care chiefly for the institutional and economic sides of history, as it is clear he does, he would be thrown back upon them by the impossibility of making any other part of his subject really interesting.

Turning, then, to the development of institutions, perhaps the first question that will suggest itself is as to the origin of that civic life which so early characterized the corner of Europe we now know as Belgium. It is with some amusement that I observe how trustfully I followed in 1882 the leading of Georg von Maurer, and with the aid and countenance of M. Vanderkindere's little pamphlet, *Sur l'Origine des Magistrats Communaux*, found the germs of the later town-system in an imaginary mark-community. Since 1882, great has been the discussion on the subject; and now M. Pirenne, following the prevailing tendency among contemporary scholars, and applying to the Flemish towns the general doctrine of municipal *origines* which he has recently set forth with so much learning in the *Revue Historique*, finds the true beginning of town life in the settlement of "colonies" of merchants and craftsmen beneath the walls of an abbey or castle (p. 200). This view is probably nearer the truth, or, perhaps one had better say, a larger part of the truth, than the rural-village theory; but its statement here by M. Pirenne still shows the lack of precision which I attempted to point out in his *Revue Historique*



articles. This defect has been remedied, I hope, in the detailed examination of the history of landed property in Ghent which has recently been published by his pupil M. des Marez.

Whatever the origin of town life may have been, M. Pirenne's picture of the situation in the thirteenth century agrees in all its important features with the notions one could gather in 1882 from M. Vanderkindere's somewhat rhetorical but yet refreshing and original work on *Le Siècle des Artevelde*. The key to the period is the struggle between the city oligarchies and the craftsmen; the former seeking the support of the French king, who was anxious to increase his hold over the vassal county of Flanders, and the latter turning to the count, who was equally desirous, in his more statesmanlike moments, of tightening his authority over the town-magistrates. But on one point M. Pirenne has something fresh to remark. When, in 1882, I came to describe the crafts of Ghent, I felt in an obscure way that there was something in the position of the weavers and the fullers which was rather difficult to fit into the framework of industrial life as it is exhibited to us by the modern describers of "the gild system." Nevertheless, I seem to have had no hesitation in saying "There was no jealousy between employer and employed, inasmuch as the latter could without much difficulty save sufficient capital to become a master himself." It is now a comfort to have M. Pirenne point out, what seems very obvious once it is said, that "the textile crafts in the great manufacturing cities of Flanders and Brabant presented an essentially different appearance from that usually shown by the artisan corporations of the Middle Ages."

"The cause of this difference is easy to discern. Instead of working, like other crafts, for the local market, they produced wholesale and for export. The weaver, fuller, and dyer did not in the least resemble in position the bakers or smiths. The latter were at once artisans and traders, and they sold direct to their customers the products of their industry, while the former had to restrict themselves to the humble role of mere factory hands ('*Industrie-arbeiter*'). With the public they came not in contact; they had only to do with the *entrepreneurs* who employed them—the cloth-merchants (*drapiers*). The cloth-merchants put into their hands the wool to be worked up; and it was the cloth-merchants likewise who sold the finished cloth in the market. The merchant is a capitalist; the workman a wage-laborer" (p. 305).

When we realize that the richer cloth-merchants were members of, or closely associated with, the civic oligarchy, we can understand that the quarrel between the craftsmen and the town authorities was probably an economic one as well as a constitutional.

If the foregoing description by M. Pirenne be true—and it certainly fits well enough into what we know of the civic troubles of the fourteenth and fifteenth centuries—it is evident that the peculiar conditions of the Flemish cloth industry had even thus early hurried it into a stage of development essentially different from and subsequent to "the gild system" in its "normal" form; into a stage such as German economists are wont to designate by the term *Hausindustrie*, and the English writers of the

early part of this century by *domestic system*. It differed indeed from these as they are to be found in later centuries in Germany and England, chiefly in its concentration in the cities; but in each case, though the little *meester* may have had his journeymen and apprentice, the real *employer* of them all, in the modern sense, was the merchant through whom the work came to them. M. Pirenne remarks (p. 417) as to the weavers and fullers of Ghent, that the specifically craft organizations—the *Gewerke*, or, as they said in medieval England, the *misteries*—were far too closely supervised by the *échevins* to be capable of being used as weapons against their rulers; “but it was different with the religious fraternities.”

Let us hope that when in his next volume he comes to deal with the constitutional changes of the period of the Arteveldes, he will draw more fully on the unprinted material to which he refers as his authority; that he will tell us more about these fraternities; and that he will enable us still better to realize the daily life of the *Weve Ambachte*.

W. J. ASHLEY.

*The Foundations of England.* By Sir JAMES H. RAMSAY of Bamff, Bart., M. A. (London: Swan Sonnenschein and Co. 1898. Two vols., pp. xxxiii, 553; xxiv, 509.)

“TWELVE Centuries of British History” is the sub-title of this laborious work, which aims at giving in these two volumes a complete compendium of the history of the British isles from B. C. 55 to A. D. 1154. It is obvious that such an undertaking as this would involve prolonged and tedious study; for Sir James has not only read for himself the authorities on which his narrative is based, but has plodded through a vast amount of the work of modern historians, especially of those who have added to our knowledge by their own original research. While careful to acknowledge “the greatest obligations to the works of others,” which have enabled him to place his readers abreast of the latest research, the author is no mere compiler; he has exercised throughout his own judgment, and has done so at once with marked independence and with singular freedom from prejudice and bias. If we detect a personal note, it is perhaps that of the Scotsman, in whose view Scottish history occupies a leading place; but English writers have been, perhaps, inclined to treat somewhat imperfectly the history of the northern portion of the island, so that the balance is here redressed. For the teacher of history and for the real student the special value of Sir James’s work will be found, not so much in the careful references to authorities, useful though these must prove, but in the arrangement of his volumes. An elaborate table of contents with the dates prefixed throughout is a very great convenience, as are the marginal headings to the text, in Clarendon type, and the dates at the head of each page, a point too often omitted.

That there was real want for a book of this character will hardly be denied by those who have worked at the period it covers. That period



is probably the one on which recent research has had most that is new to tell us; but the information has been sadly scattered and often difficult to find. This is well seen in the author's earliest chapters, for he begins at an earlier period than is usual, assigning two chapters to Pre-Roman Britain, and dealing at considerable length with the time of the Roman occupation. Indeed, a uniform system of treatment enables him to give us an amount of detail far greater than that which we meet with in general histories, while avoiding the extreme diffuseness of such works as those of Mr. Freeman. His fairness and caution are well seen in his attitude towards the "great commendation" of 921. While guardedly rejecting the story as it stands, he observes that the point has been made too much of, as the overlordship of Æthelstan is clear enough. In connection with this subject, one should point out that he claims to have localized the battle of Brunanburh (an old point of difficulty) at Bourne in Lincolnshire. To battles, indeed, Sir James has devoted special attention, from that of the "Mons Graupius" downwards; and on those of Hastings and of Lincoln he has views of his own to advance.

The period subsequent to the Norman Conquest, on which I am most at home, is the subject of his second volume. I have found it singularly free from slips and absolutely packed with information. Although political history occupies the chief place, the development of institutions, the state of society, the condition of the revenue, the changes in architecture, the foundation of religious houses, and similar subjects are among those which receive attention, while the issue of each sovereign is catalogued with special care. That Sir James's work can hope to appeal to the general reader is of course impossible: its place is on the student's shelves. The fault that has been found with it is that it is dull, that one cannot read it with pleasure. The author's style, no doubt, is ponderous, his work rather a repertory of facts than the history of which the critic dreams. But it is not given to us all to write with the brilliancy of Macaulay or of Green, or the vivacity of Professor Maitland. There is room for history of every kind, except for that which is false. For my part, I feel that gratitude is due to an author who has placed at our disposal so useful a work of reference, and has, among his other merits, devoted infinite pains to identifying persons and places. An index of fifty pages, though not absolutely exhaustive, is well-arranged and adequate. Sir James, it may be added, is now at work on the reign of Henry II., and hopes, in time, to complete his history down to the wars of the Roses, the period treated in his two volumes entitled *Lancaster and York*.

J. H. ROUND.

*History of Scotland.* By P. HUME BROWN. Vol. I., To the Accession of Mary Stewart. [Cambridge Historical Series.] (Cambridge: University Press. New York: The Macmillan Company. 1899. Pp. xviii, 408.)

MR. HUME BROWN has recorded in a clear and logical fashion the narrative of the development of a Scottish nation and the turbulent inter-

nal life of that nation up to the moment of the Reformation, and herein lies the chief value of the present work. Students of English history, and particularly of medieval English history, have been too much inclined to regard Scotland from the point of view obtaining in the Middle Ages at Westminster (where the dwellers north of Tweed were often described as *Scotii inimici et rebelles*), and to leave out of account certain facts in Scottish history of high importance in their own field of inquiry. Several points of this sort are well developed in the present work. Take, for example, the battle of Carham where in 1018 Malcolm II., by the acquisition of Lothian, determined the ultimate predominance of the Saxon over the Celt in that racial amalgamation which was soon to produce a Scottish people. The student of English institutions who seeks to account for the ready reception of Norman feudalism and Anglo-Norman law in the Scotland of the twelfth century, must turn for his explanation to the event of 1018. Mr. Hume Brown would reckon Carham with Hastings rather than with Bannockburn, in the list of English battles. The day will come, perhaps, when Clontarf, as well as Carham, will find a place in this list. The complement of Carham was the bloody fight at Harlaw where, in 1411, the last effort of the Celts of the north to assert their national consciousness was utterly crushed. The importance attributed in the present work to these events leads to the development of another point too frequently overlooked. This is the fact that up to the close of the thirteenth century Scotland exhibited a national development more advanced than that of any other country of western Europe except England. This was arrested by the disaster involved in the failure of the direct royal line in 1290, and the subsequent feudal chaos and general demoralization of the kingdom have been allowed to obscure, to a great extent, its earlier national development. Again, any one investigating the early foreign relations of England will find that Scotland forms an important link in all relations with northern Europe, and particularly with Scandinavia.

Beside the exploitation of these too much neglected matters the present work also casts new light on periods and events more generally familiar. The narrative of the last years of David II.'s reign (p. 179), is based on recently published material and differs substantially from that given by Tytler and Hill Burton. In like manner an important despatch from Bishop Kennedy to Louis XI. of France discredits the account of James III.'s reign given by Pinkerton and Tytler and tends to rehabilitate the authority of Buchanan's *Historia* (p. 249). Finally, Mr. Hume Brown's narrative of the battle of Solway Moss (pp. 393-395), based on the Hamilton Papers, differs materially from the traditional accounts of that engagement.

But so many advantages are scarcely to be expected without some corresponding drawbacks. Among the worst of these is the unmistakable weakness of the book in constitutional matters. It is true that the constitutional history of Scotland has yet to be written; Robertson and Skene have not answered all our questions and in many cases what they have to



tell us must be regarded with suspicion. Under these circumstances it would perhaps have been wise if Mr. Hume Brown had confined himself to the narrative history in which he has been so successful. It is difficult, in view of such knowledge of the Celtic tribal system as we possess, to accept his explanation of the *ormaers* as hereditary royal officials (pp. 45-46). The use of the term king's court in connection with the *commune concilium* (pp. 108-109) is misleading, particularly when the same body is, on a later page, more properly styled the Great Council (p. 117). The statement that under David I. the system of inquest had almost entirely displaced the older forms of procedure (p. 91), will be hesitatingly accepted. The suspicion thus raised is not allayed by the fact that the author appears to accept the view that English boroughs had their origin in municipalities (p. 7), and speaks of escheats "imposed" by the justiciars (p. 341). The accounts of the social and economic conditions of Scotland appear to be based exclusively on legislative acts, which are scarcely a satisfactory source unless confirmed by further material.

A more serious fault than any of these, however, lies in the general tone of the book in regard to England. The author is Scottish rather than British and constantly betrays a feeling of rancor against England curiously inconsistent with his otherwise large outlook. It would be supposed that a nineteenth-century Scot, capable of applauding the achievement of Malcolm II. in Teutonizing Scotland, would see that the best ideal of his country was to be associated with the destiny of Great Britain, and that this vision would have made impossible the narrow and bitter outbreak against Edward I. to which Mr. Hume Brown treats himself (p. 155).

One or two minor faults have been noticed. The iteration of the word "outstanding" for prominent or striking, and of the phrase "give to the flames" for set fire to or burn is doubly provoking by reason of the otherwise simple and direct quality of the style. On p. 235 (note), "bearing that" seems to be a misprint for "bearing date." The statement (p. 70) that Norham Castle was founded by Henry I. is not borne out by the authorities. The district of Norham was a parcel of the highly privileged bishopric of Durham (afterwards a county palatine) and the castle was built by Ranulf Flambard, the then bishop, in the year 1121.<sup>1</sup> It is to be regretted that the circumstances of publication did not permit a more frequent and explicit citation of authorities, and that the edition or date of publication of works enumerated in the bibliography should not in all cases have been supplied.

In conclusion, students are to be congratulated on having in this work a direct and concise statement, based largely on original sources, of the events of Scottish history up to the Reformation; a blessing which all who have sought in vain for some desired information in the smug pages of Hill Burton, will be quick to appreciate.

GAILLARD THOMAS LAPSLEY.

<sup>1</sup> Symeon of Durham (Rolls Series), II. 260; cf. Roger de Hoveden (Rolls Series), II. 64-65, and Raine, *North Durham*, 284.

*Philipp II. August, König von Frankreich.* Von ALEXANDER CARTELLIERI. Erstes Buch: Bis zum Tode Ludwigs VII., 1165-1180. (Leipzig: Friedrich Meyer. 1899. Pp. xv, 92, 76.)

DR. ALEXANDER CARTELLIERI has already become known to those interested in the history of medieval France by reason of his studies of Philip Augustus, which have appeared not merely in his graduating dissertation, of 1891, but in the *Revue Historique* in 1891, 1893 and 1894. The field which then so attracted him has continued to claim his attention, and the studies then begun have been pursued with increasing fruitfulness at Paris and Berlin and have led him to undertake an extensive life of the great king. The first result of this determination is the small volume now under review, which constitutes the opening book of what, if it is completed on the same scale on which it is begun, will prove a life-long task to its author and a monumental biography of the first medieval ruler to make the French monarchy a power in the affairs of Europe as a whole.

Necessarily the time covered in the installment of Philip's biography now before us,—extending from his birth on August 21, 1165, to September 19, 1180, when the death of Louis VII. left him sole ruler of France,—is so largely that of Philip's childhood that the present volume is chiefly important as indicative of Dr. Cartellieri's method and of what may be expected in future studies which will treat of the king at an age of greater maturity and influence. But the period here discussed presents some features of much interest to the student of minuter aspects of French history. In these years lie the young ruler's crowning, and his relations as joint sovereign to his fast-aging father,—matters of considerable importance for French constitutional history. Before the close of the period treated by Dr. Cartellieri comes Philip's first marriage, full of political significance. And in these years, too, lies that involved struggle for supremacy in the counsels of the young monarch between Philip of Flanders, the skilful Henry II. of England, and the Champagne interest represented by Philip's maternal relatives. In this period, also, Philip begins, in the nominal interest of the Church, his internal policy of repression toward the quarrels of the lesser nobility, and assertion of the royal authority wherever the monarchy had claim to lordship. Dr. Cartellieri has treated these themes, and all else relating to the political life of the young king during this period, with much clearness and a thoroughness and minuteness in the use of the sources that is worthy of the most hearty commendation. If his enthusiasm for his youthful hero is great, and his disposition to assign to Philip a formative rôle during the first year of sovereignty seems possibly excessive, Dr. Cartellieri has given us a volume not merely of painstaking accuracy in the presentation of dates and facts, but of high promise that we shall have, when the successive books that he plans are added to it, a worthy critical biography of the great French monarch.

The value of Dr. Cartellieri's volume is much increased by the appended discussions, and especially by a Register which includes an epitome of no less than one hundred and one charters and letters having to do with Philip Augustus between his birth and a time shortly after the death of Louis VII. This Register Dr. Cartellieri does not propose to continue over the field so largely occupied already by M. Léopold Delisle's well-known *Catalogue des Actes de Philippe-Auguste*.

WILLISTON WALKER.

*St. Thomas of Canterbury, His Death and Miracles.* By EDWIN A. ABBOTT, M. A., D. D., Formerly Fellow of St. John's College, Cambridge. (London: A. and C. Black. 1898. Two vols., pp. xv, 333; vii, 326.)

THIS is an uncommonly interesting and instructive work on an out-of-the-way and unpromising subject. No genuine lover of books can fail to experience a thrill of pleasure as he takes into his hands the two sumptuous volumes in which heavy paper, broad margins and bold type are lavished upon a theme in itself apparently of little more than antiquarian interest. And no one who dips into the work here and there, curious to know the reason for all this expenditure of time and labor, can fail to be fascinated and amused by the marvellous tales that crowd its pages. He will read far and long before he lays it down and he will know more about Thomas Becket's death and miracles ere he quits his delightful task than he ever knew before, and not a little into the bargain of the morbid taste, amounting even to a passion, for the miraculous in twelfth-century England.

The work had a peculiar origin. The author, a well known Biblical scholar, in preparing a critical commentary on the Gospels was led to look into the various accounts of St. Thomas's death and miracles for illustrations of the way in which the several evangelists treated their theme, and the proposed brief excursus grew gradually into the bulky work which lies before us, and what was intended as a mere illustration of the methods of the evangelists became a critical study of the greatest interest and importance, of the whole subject of historical evidence. It is as a study of evidence that the work is chiefly valuable to historical students. An extract or two from the author's own words will indicate what is meant. "From a comparison of the narratives above given the first and most general conclusion is one that must be most unsatisfactory to all those who desire short cuts to truth. For it is this: that no general rule can be laid down as to the value of an early account as compared with a later one. An early account sometimes teems with falsehoods. A later account sometimes corrects falsehoods; sometimes makes them falser and adds to their number. The value of a writing depends upon facts that are often very difficult to ascertain—namely, the position and character of the writer, his opportunities for observation, or for collecting evidence from those who have observed, and his power of setting down what he



has observed or collected, either without inferences of his own, or, at all events, in such a way as to allow the reader clearly to distinguish facts observed from facts inferred" (I. 192). "This testimony is peculiarly instructive. For it exhibits a man of learning, apparently writing in good faith, *and probably within four or five years from the martyr's death*, yet (1) assigning to the dead body a stupendous miracle not found in any of the numerous descriptions of his death that proceeded, about the same time, from competent witnesses; (2) describing a miracle wrought by the blood of the martyr while still lying on the pavement—a miracle, whether manifested then or afterwards, at all events unrecorded by any other witnesses; and (3) greatly exaggerating a miracle correctly described by an eye-witness (Benedict) and by one who was intimate with the archbishop (Fitzstephen)" (I. 241).

The immediate bearing of the author's studies upon the criticism of the Gospels will also appear from such passages as the following: "It is often said concerning the Gospels that, if some of them were written as early as thirty or forty years after Christ's death, there is not time enough to allow the growth of the legendary element from the misunderstanding of metaphor. How, it is asked, could the heaven so rapidly pervade the biographies of the Saviour that the legendary now appears almost inseparable from the historical? But here again we find a parallel and something more. Many of the accounts of the life and death of Becket were written *within five years of his martyrdom*. Many of the miracles—certainly those recorded by their earliest chronicler—were written down *at the very time of their occurrence*. Yet even in these early documents we find that writers, speaking from 'veracious relation,' record portentous falsehoods, or let us rather say *non-facts*, and that even writers depending upon the evidence of eye-witnesses, and sometimes (though much more rarely) on the witness of their own eyes, fall into astonishing errors, many of which take the direction of such amplification as to convert the wonderful but explicable into the miraculous and inexplicable." "Again, from the point of view of documentary criticism, there is much to be gained from a comparison of the martyr literature with our Gospels. As there are four Gospels, so were there four Biographies of St. Thomas, recognized in very early times as especially authoritative. Tatian in the second century made a harmony of the four Gospels, called *Diatessaron*: Elias of Evesham made a harmony of the four Biographies, and called it *Quadriologus*. In blending the four, the *Diatessaron* sometimes alters, sometimes inserts, sometimes confuses one with the other; so does the *Quadriologus*." "The fourth of our Gospels was written long after the three; so was the fourth of the authoritative lives. The fourth Gospel professes to be written by one who knew Jesus as a friend; the fourth Biography was actually written by St. Thomas's intimate friend and instructor in Scripture. That Gospel makes no mention of demoniacs and recounts few miracles: that Biography expressly claims that it is written in order to bring out the Man, and implies that its object is that the Man should emerge from the miracles under which he was in danger of being

smothered. Besides our four Gospels we know that there were many others, and have reason to believe that in the variations of our Gospel MSS. we find occasional traces of earlier Gospels suppressed or neglected by the Church and now altogether lost. As regards the Biographies we are more fortunate in actually having many of those accounts of the saint's life and death that were discarded by the authors of both the Early and the Late *Quadrilogus*; and one of these we find to be in many respects far more trustworthy, and far richer in facts of interest, than some of the four authoritative Biographies. In the Gospels there are traces of different points of view in the writers: one regarding matters as a Jew might, another as a Gentile; one paying attention to style, another thinking of nothing but fact; one omitting what another inserts and *vice versa*. There are also here and there passages in which writers agree almost *verbatim*, interspersed with others where they do not agree at all, or only in the words uttered by Jesus and by those with whom he is conversing. All these phenomena recur in the Biographies and still more frequently in the two Books of Miracles" (II. 308 sq.).

As a study in the psychology of the marvellous the work is also of great interest. No one can read the strange and often grotesque tales with which the pages teem without realizing, perhaps more vividly than before, that there is something here which must be always reckoned with as a large factor in the life of the race. It is true that the medieval taste for the miraculous has always been well known, but the present work affords unusual opportunities for studying that taste and for tracing the way in which it found expression in particular cases.

A. C. MCGIFFERT.

*Li Livres du Gouvernement des Rois*, a Thirteenth Century French version of Egidio Colonna's Treatise *De Regimine Principum*, now first published from the Kerr Manuscript. Edited by SAMUEL PAUL MOLENAER, Ph.D., Instructor in the University of Pennsylvania. (New York: Columbia University Press; The Macmillan Co. 1899. Pp. xlii, 461.)

THE most serious disadvantage under which the student of the history of political theories labors, especially in America, is the lack of proper and sufficient texts of medieval works on government. This lack was nowhere more keenly felt than in the case of the present work and, though for purposes of study the Latin version is best, every student of political theory will welcome the publication of the present French translation, which was made shortly after the Latin original was written (c. 1285).

This is one of the few medieval works on government which was not written to support papal or imperial pretensions to supreme temporal power. Its didactic character makes it more comparable with the political works of such men as John of Salisbury, Thomas Aquinas and Philip of Leyden than with the polemical writings of theorists like Manegold of Lautenbach, William of Ockham and Philip of Mezières. It is without



doubt in the works on the papal and imperial powers of the last mentioned men that the most strikingly original medieval theories of the state are found, but to write on that all-absorbing topic was not the purpose of Colonna. He wished to lay before the medieval prince (in this case the Dauphin of France, afterwards Philip IV.) the principles to be followed in governing a state. In stating these principles he followed Aristotle's *Politics* very closely and like most of his contemporaries he regarded the ideas of his master as too sacred to be added to or changed to any considerable extent.

The first of the three books, of which the work consists, treats of the "highest good" as the true end of the life of man and gives the moral precepts for the attainment of that end. The second book is devoted to the family, the education of children and the fundamental principles of household economy. In the third book is a comparative study of the various theories of the state held by the Greek philosophers, followed by a discussion of the best form of government, the nature of law and justice and the duties of a prince in peace and war. As contrasted with the *Politics*, most noticeably characteristic are the references to God and the Church.

The work has been carefully edited, but Dr. Molenaar has not shown sufficient familiarity with the best methods for the publication of texts. An introductory note as to the rules followed in editing the work, as to his use of brackets, parentheses and other signs would help the reader. Texts should be so presented that they can be read rapidly and with as few as possible interruptions by signs or references to foot-notes. At the same time, a text should read as its author meant it to read. If the author intended "que" (p. 3) and the copyist has put "qui," "que" should be put in the text and "qui" relegated to the foot-notes. The same principle holds good of any letters or words which ought to be omitted from or supplied in the text. The reader should never be sent to the foot-notes for the correct reading or be confused by allowing an incorrect reading to remain in the text.

JAMES SULLIVAN.

*England in the Age of Wycliffe.* By GEORGE MACAULAY TREVEL-  
YAN, Fellow of Trinity College, Cambridge. (London and New  
York: Longmans, Green and Co. 1899. Pp. xiv, 380.)

THE title of this work is somewhat misleading, since it treats of the political, social and religious conditions of England during the later years of Wiclif's life only. Six of the nine chapters are devoted to the years 1377-85, while the last two treat the history of the Lollards from 1382 till the Reformation.

The author has attempted the difficult task of writing a work addressed to the general reader, but which at the same time shall be a serious contribution to history. This popular aim has induced him to modernize the powerful English of Wiclif and Langland in his quotations, al-

though he has fortunately not taken the same liberty with Chaucer. But is Wiclif's English more difficult than Chaucer's? The same aim is responsible for a novel scheme of notes which is hardly an improvement on the usual plan. Footnotes contain nothing but citations to the authorities, while all discussion is confined to seventeen pages of notes and appendices. A commendable feature of the work is the insertion of three maps illustrative of the revolt in 1381 and the spread of Lollardry. The absence of a bibliography is noticeable, nor is an adequate substitute provided in the explanatory list of abbreviations, in which modern bibliographical requirements are not always met. Were it not better to make the abbreviation such as to convey the title of the book to the reader, as Mr. Trevelyan sometimes does, than to compel him to search for it in a list not alphabetically arranged?

On the whole, the work is a very creditable one, and a valuable contribution to our knowledge of the fourteenth century. Besides making good use of most published materials, the author has studied the unpublished sources of the Public Record Office, notably the *Coram Rege* Rolls and the Ancient Indictments.<sup>1</sup> Hence his book abounds in new information. While this is not so much true of the earlier chapters, owing to the paucity of materials not hitherto utilized, it is conspicuously so of those on the Peasants' Rising and the history of the Lollards. Want of space alone prevents us from enumerating some of these new facts brought forward.

Mr. Trevelyan writes a clear and easy style, seemingly influenced by that of his great-uncle. Some of his Macaulayisms, however, are not of unquestioned advantage, as, for example, the use of modern comparisons, not always historically accurate,<sup>2</sup> and a sort of partisanship for the cause of Wiclif, which leads him to do scant justice to the Church.<sup>3</sup> Occasional errors of detail occur, some of which are rather surprising.<sup>4</sup>

Unquestionably the best chapter of the book is that on the Peasants' Rising in 1381. Studies in the Public Record Office, together with the knowledge of a source used in Stow's *Chronicle*, and recently published by Mr. Trevelyan himself,<sup>5</sup> enable him to give the best account of the events at London that has yet appeared. His method of handling the sources is satisfactory, though not entirely above criticism. Too much weight is sometimes given to the statements of Froissart, whose untrustworthiness in matters of detail is well known, while no use seems to

<sup>1</sup> Those not already published by M. Petit-Dutaillis (A. Réville, *Le Soulèvement des Travailleurs d'Angleterre en 1381*, Paris, 1898), will shortly appear in a small volume edited by Mr. Trevelyan in conjunction with Mr. Edgar Powell.

<sup>2</sup> For example, John of Gaunt, "at the head of a . . . hierarchy of knaves," is likened to an American party boss (pp. 10-12). He secures for them control of the privy council, where the "big deals" are made. But this view is based on hostile parliamentary petitions, in which unpopular ministers usually appear as traitors and knaves. See also the comparisons on pp. 35, 191.

<sup>3</sup> Chs. 4-5.

<sup>4</sup> See review in *Athenaeum*, April 1, 1899, p. 390.

<sup>5</sup> *English Historical Review*, XIII. 509-522.

have been made of the important memorial issued by the authorities of London to commemorate the part of their mayor in suppressing the revolt.<sup>1</sup> In fact, Mr. Trevelyan does not seem to have made a sufficiently exhaustive use of the chronicle which we owe to his diligence. Its revelations on Tyler's important personal part in the negotiations at Mile End are well worthy of note, as are also the new demands of the insurgents recorded, especially one for the repeal of the statute of laborers.<sup>2</sup> Tyler's further requirements at Smithfield are equally important. Those of a religious nature provide that the goods of the clergy be seized and divided among the parishioners; that the lands and tenements of possessioners be divided among the commons of the realm; and that the hierarchy, with the exception of a single spiritual head for the Church of England, be abolished.<sup>3</sup> Such provisions surely deserve more than a passing notice<sup>4</sup> in a work of which Wiclif is the most prominent figure.

GEORGE KRIEHN.

*Margaret of Denmark.* By MARY HILL. (London: T. Fisher Unwin. 1898. Pp. vii, 156.)

THIS book is an attempt to give to English readers a general account of Margaret of Denmark, queen-regent of the three Scandinavian countries. Following the lead of the older authorities, Miss Hill is disposed to rank Margaret as one of the great queens of history, and even finds her worthy of comparison with Alfred the Great. Undoubtedly Margaret had some elements of greatness, but they certainly were not of the quality that excite our sympathetic admiration for Alfred. Although the opportunity was not wanting, she stood for no great idea. She might have welded the three Scandinavian countries into a mighty empire, and this is what the general student of history thinks that she did, but this empire was of the most superficial character. The union which she effected was based on the most short-sighted dynastic policy. Her main efforts were directed toward the fortification of royal authority in Denmark and the extension of her realm. In these things she was very successful under seemingly adverse circumstances, although much of her vaunted strength no doubt lies in its contrast with the weakness of opposing forces. She was, however, a crafty queen who ruled a large realm with subtle astuteness and sagacity, but not with broad-gauged wisdom. Her success was in a large measure made possible by a series of more or less accidental combinations, and by the general national impotence, and the political and social anarchy that characterized the latter half of the fourteenth century in Scandinavia.

<sup>1</sup> The author accepts Froissart's tale of the insolence of the insurgents toward the queen-mother in the Tower and her escape by water to the Wardrobe (p. 237). But we know from the testimony of the official city record (Riley, *Memorials of London*, 449), and from Mr. Trevelyan's own chronicle (p. 517) that she accompanied the King at Mile End. Other doubtful instances are pp. 226, 232, 244 n. 2.

<sup>2</sup> *English Historical Review*, XIII. 517.

<sup>3</sup> *Ib.*, 519.

<sup>4</sup> P. 220.



The laws of all three of the Scandinavian countries debarred a woman from wearing the crown ; but circumstances placed a sceptre in her hand, and she wielded it with such skill that from the rank of guardian to a fatherless prince, she became, after his early death, not only ruler of his domain—Denmark and Norway—but on account of her successful administration of affairs, she was invited by the dissatisfied nobility of Sweden to invade their land to assist them in expelling their incompetent king and become their sovereign. She accomplished the task, and thus became ruler of the three Scandinavian countries.

Margaret was born in 1353. Like Elizabeth of England, she was the daughter of a "coarse-fibred, firm-handed, vigorous king," Valdemar Atterdag of Denmark. He early discovered the essence of his own virility in her, and grumbled at the misfortune of her having been born a daughter. But he soon found her available on the royal chess-board. At a very early age she was given in marriage to young Haakon of Norway. Their son Olaf was in 1376 elected king of Denmark, upon the death of Valdemar. There had been much dispute over the succession, but Margaret's shrewdness seems to have turned the current of opinion toward her son. She herself was appointed regent during his minority. In 1380, through the death of his father, Olaf also fell heir to Norway ; but in 1387 he died, at the age of seventeen, whereupon Margaret became reigning queen in both Denmark and Norway.

The ease with which Margaret made herself sovereign in these two countries, where both law and custom were against her, reveals her powers of astute statesmanship. Whether from fear, or from respect for law and custom, we do not know, but Margaret immediately set about to fortify her royal position, and to insure a succession in accordance with her desires. Her only child was dead, and so she prevailed upon the powers in Norway to choose her grand-nephew, Erik of Pomerania, as her successor. A little later she saw fit to have him elected king under her guardianship. She now turned her attention to Sweden, where, with the encouragement and assistance of the nobility, she succeeded in ejecting Albrecht of Mecklenburg, whereupon, in 1396, Erik of Pomerania was elected king. The next year, on the occasion of the convention at Kalmar, he was crowned king of the united Scandinavian kingdoms, but Margaret continued to hold the reins of government until her death in 1412. She might have worn the triple crown herself, but she seems to have been content with her position as actual ruler, without the ostentatious adjunct of a crown. No doubt she had excellent reasons for her course of procedure, but they are not recorded.

Margaret is best known to the world in connection with the Union of Kalmar, which bears the date of July 20, 1397. But recent investigation has shown that the document promulgated on this occasion was entirely invalid. After having obtained a secure foothold in Sweden, she summoned representatives of the three kingdoms to a meeting in Kalmar, where a draft for a constitution was made upon which the union was to be based, and in which the law of succession was to be incorporated.

But although she had met with but little opposition in having Erik elected king of the three countries, she seems to have found it impossible to induce the representatives at Kalmar to frame a constitution to her liking. To judge from her whole life, she had evidently contended for a strictly hereditary and unlimited monarchy, whereas Sweden and Denmark favored an elective one and their representatives succeeded in getting their ideas incorporated into the constitution. Moreover, from all the acts of her reign it is evident that she stood for the supremacy of Denmark, not for a union of three independent countries, as the constitution vouchsafed. These disagreeable elements no doubt account for the fact that Margaret never took the necessary steps to make the document valid. She seems to have let it go by default, for there is no trace of any copies of this first draft having been made for each of the countries in accordance with the stipulations of the original draft. Moreover, the document does not bear the seal of a single Norwegian representative. Miss Hill repeats the error of the older writers on this subject when she speaks of the instrument framed at Kalmar as one that became legally binding, and says: "Two exact copies of this treaty, written on parchment, were given to each kingdom, to which four prelates and thirteen gentlemen 'freely and voluntarily' placed their seals."

It is to be regretted that Miss Hill has not had access to any of the modern historians of Scandinavia. She speaks of the scantiness of her material, and it is indeed scanty when she knows only one unimportant Scandinavian writer of this century. The greater historical writers of all of the Scandinavian countries have of course discussed Margaret, but the authority on her is Professor Christian Erslev of the Copenhagen University, whose work entitled "*Dronning Margarethe og Kalmarunionens Grundlæggelse*," 1882, is a most reliable account of the great Northern queen, based on the most searching investigation of original sources. The light he casts on the dark epoch of Margaret's reign, when intellectual life was at its lowest ebb, leaves her a ruler of less heroic mould than the traditional Margaret, and detracts much from the significance of the convention at Kalmar. Meanwhile, until some one gives us in English the story of Margaret's life based on Erslev's work, we are grateful to Miss Hill for her book, which, like the old authorities on which it is based, is correct enough in dates and the superficial facts of her life, but not to be relied upon for a just and critical estimate of Margaret and her times.

JULIUS E. OLSON.

*Catalogue of the Library of Syon Monastery, Isleworth.* Edited by MARY BATESON, Associate and Lecturer of Newnham College, Cambridge. (Cambridge: University Press. 1898. Pp. xxx, 262.)

Syon Monastery was founded under the rule of St. Bridget in 1415 near Twickenham, was transferred to Isleworth in 1431 and was dissolved in 1539. It contained two libraries, one for monks and the other for nuns. This catalogue, which represents the monks' library, was com-



piled about 1504 and was added to and corrected, but not improved, by later hands up to the year 1526. It is now manuscript 141 of Corpus Christi College, Cambridge. The catalogue consists of (1) a classified list of 1421 works, manuscript and printed, giving the title, shelf-number, name of donor and the first two words of the second folio of each work, (2) an alphabetical author-index. Miss Bateson has provided her edition of this work with an introduction, notes, a fac-simile page and several valuable supplements and appendices. Perhaps the most valuable of the original contributions, is the identification of more than 400 editions of the printed works by means of the catch-words. The identification of actual copies has been so difficult that only six volumes out of the whole number are known to be now in existence.

The value of the document itself is chiefly for the history of monastic life and for the history of books and libraries. Much of this has been drawn out by Miss Bateson in her introduction and notes. It appears that the monks had little use for anything but Latin,—one Hebrew, three Greek, four French, and twenty-six English works representing the total of alien tongues in this large library; but the Latin books showed a model literary taste, at the same time classical and up to date.

The catalogue touches civil history in the list of donors at several points, notably in the names of Richard Reynold, hanged for denying the royal supremacy in 1535, and Richard Whytford the friend of More.

In the matter of library history this catalogue contributes many interesting items. It was curiously modern in many respects. It was classified and its notation, in which the class-number is a letter and the book-number a figure, points to a system of "relative location," whether the numbers painted "*ad extra*" were on the book or on the case; if the former then it was strict "relative location." Miss Bateson reasons out, from the fact of the library losses, the presumption that the library was, like many other monastic libraries of the time, an outside-lending library. She fails, however, to note that the great number of duplicates, which she ascribes to the natural disinclination to refuse a gift, points in the same direction. If it were an outside-lending library duplication would be only natural.

Altogether, under the skillful handling of Miss Bateson this at first sight somewhat unfruitful-looking source suggests many an interesting line of research into the history of culture. The work of editing, as might have been expected, is excellently done.

ERNEST CUSHING RICHARDSON.

*Ouvriers du Temps Passé (XV<sup>e</sup>—XVI<sup>e</sup> Siècles).* Par H. HAUSER, Professeur à la Faculté des Lettres de l'Université de Clermont-Ferrand. (Paris: Félix Alcan. 1899. Pp. xxxviii, 252.)

WHETHER it is that the time we live in is an age of disenchantment or simply that every subject of investigation regularly passes from a first idyllic stage into later and calmer conceptions; whether our critical

powers in this generation are greater than our synthetic, or it is only that we look at things with clearer eyes ; certainly many of the best results of current scholarship reach their principal end in destroying earlier and more fanciful beliefs. The realistic pictures of the life of our Aryan progenitors drawn by the earlier students of comparative philology ; the broad generalizations of Kemble and Maine and Maurer in the field of primitive Teutonic and Celtic society and government ; the universal formulas of the first evolutionists, have all faded away and left us more exact knowledge, it is true, and more modern statements, but no new formulas, and none of those generalizations for which the human mind longs.

The work of M. Hauser is another evidence of this tendency, in a later field. He proves the worthlessness of all attempts to estimate the absolute value of wages and of the cost of living at any past epoch, a good instance of this difficulty being found in the fact that of two historians especially familiar with the fifteenth century one makes the value of a given weight of coined silver six times its present value, the other forty times. If this is so, the greater part of the work of Rogers in England, and of the Vicomte d'Avenel in France, and the generalizations based on them are valueless, and a direct comparison of the condition of laborers in the past with that in the present is impossible. Again he shows that the supposed homogeneity of labor, the universality of organization into guilds, and absence of competition, at least in France and in his period, are a delusion. There were a great many "free" artisans, both employers and journeymen, who carried on their industry quite outside of the guild limits. The corporate type was that to which all industry tended to conform, and which was supported by all the strength of the existing craft organization, of the civic and of the national government ; but after all it was only an ideal, never reached, and always needing to be struggled for by those interested in the crushing out of unorganized labor. In the sixteenth century in France, M. Hauser declares that "free" labor is the rule, labor organized into guilds is rather the exception. Again, the old "industrial peace" is disproved. Disputes between employers and employees on the question of wages are shown to have been scarcely less active in those centuries, especially in the sixteenth, the era of the influx of bullion from America, than in the nineteenth.

The general attitude of the book is therefore quite destructive to old traditions. It shatters some old idols, dissolves old glamour, and banishes old romance from still another field of history. Its actual subjects of inquiry are, however, treated positively enough and there is abundance of concrete statement. Valuable chapters are given on the policy of Louis XI. toward the industrial and trading organizations, on the position of apprentices and of journeymen, on the relations between employer and employee, on wages, on the possibilities of access by apprenticeship and journeymanship to an eventual mastership, on women's work, and on social and religious fraternities within the limits of the



crafts. There is besides a detailed and interesting account of a long strike among the printers at Lyons and at Paris from 1539 to 1542, which bears so many familiar marks that it is hard to realize that it took place centuries ago and not within recent decades.

The French are just beginning to realize what a splendid body of material for their social history is in existence and to exploit it with their usual keenness and industry. There are three volumes of gild statutes for the city of Paris which have been edited by M. de Lespinasse, and other similar collections are being made for other French cities. The abundance of documents of this kind is remarkable. The activity of royal administrative officials, the consistent effort which the kings made from the middle of the fifteenth century onward to bring under their own regulation the industrial classes from which so much of their pecuniary and moral support was drawn, brought about the habit of enregistrement to a degree unknown in any other country of Europe. It is these registered ordinances, concessions, and agreements, in addition to royal decrees, to the chronicles, and to the pleadings in law-suits, that are now being utilized in such works as those of M. Fagniez and this of M. Hauser, to give us a quite new knowledge of earlier social conditions. That this knowledge is still not very well assimilated and generalized, that it is somewhat in the catalogue style is the principal, if not the only adverse criticism we have to make of the book under review.

E. P. CHEYNEY.

*La France au Milieu du XVIII<sup>e</sup> Siècle, d'après le Journal du Marquis d'Argenson.* Publié par ARMAND BRETTE. (Paris: Armand Colin et Cie. 1898. Pp. xxxv, 413.)

THE memoirs of the Marquis of Argenson are familiar to students; they contain in eight portly volumes much that is interesting and much more that is unimportant. The marquis was a person of active mind, who for a few months was minister under Louis XV. In office, he showed himself a man of integrity, but not of sagacity; with the best of intentions he usually decided on the worst of policies.

All his life he kept a journal, in which he noted the news and rumors of the court, in which he devoted much space to the expression of his animosities, which were numerous, and still more space to his chances of political advancement, in which years of discouragement did not destroy his hopes. Mingled with a great deal that is valueless, are reflections on the condition of affairs that are striking from their justice, and conjectures as to the tendency of the French government, some of which proved to be marvellously near the truth. M. Armand Brette has undertaken to cull from these voluminous memoirs what is most valuable for historical students, and these he has put in one moderate-sized volume. It is a work of some utility. The compilation of M. Brette presents in compact shape extracts, which together give us a picture of the condition of France in the middle of the last century. Argenson is, indeed, an au-

thority who must be used with some degree of care. He was an intelligent and patriotic citizen, distressed at the abuses which he found in political life, and often gifted with an accurate vision of the results to which such abuses would lead. But he was prone to exaggeration, and by no means accurate in his statements. From his memoirs, we can obtain just ideas of general conditions, rather than trustworthy information about actual occurrences.

The picture he gives is a gloomy one, and he dwells with iteration on its most discouraging feature, the incurable badness of the government. "The bad results of our absolute monarchy," he writes, "would make one believe that it is the worst of all government. . . . We see this in full display under the present ruler, a prince who is mild but inert, letting the abuses grow which will result in the ruin of the kingdom; there are no reforms, there is no improvement, officials are selected without intelligence, ancient prejudices are adopted without examination, all working to the nation's harm. . . . In the meantime, public opinion advances and mounts and grows, and this it is that may start a revolution."

In this inert government, slowly drifting to leeward, the worst evil was taxation, unwisely imposed and corruptly collected. "The public treasury," writes the marquis, "is like an insatiable abyss, and yet it cannot suffice for all the needs of prodigality. The officers of finance gain much, the people lack everything. . . . The arbitrary system of the *taille* is the worst evil of the state; the receivers of the *taille* grow rich, the expenses of collections are greater even than the tax itself."

Any increase in prosperity resulted only in increased taxation. "The collector in my village said the *taille* ought to be increased this year. He had noticed the peasants were fatter than elsewhere, that they fared well and prospered well. It is such reasoning," continues the writer, "that discourages the peasants, and would have made Henry IV. weep."

It was not often that an official could find grounds for increased taxation in the prosperity of the peasants. "I am now in the country," writes Argenson, "I see misery everywhere, and hear no talk of anything else." "I am at present at my home in Touraine. I see only a lamentable condition of misery; it is no longer the feeling of need, it is despair which possesses the inhabitants; their only desire is for death."

Doubtless the marquis, justly irritated at the results of misgovernment, sometimes exaggerated the evil conditions he saw. Extreme poverty, general though not universal in the country, was accompanied by growth in wealth and population in the cities. Even Argenson in his laments expresses wonder at the steady rise in the value of land in Paris, for which he suggests every explanation but the true one. But whether the peasants' lot was growing worse, or the manufacturers' and merchants' lot was growing better, all worked together towards the overthrow of a government that was no longer fit to govern. "All the orders are discontented," says our writer, "and the common people are consumed



in misery. . . . All these materials are combustible, an *émeute* can cause a revolt, and a revolt a revolution." In all the eight volumes of memoirs, there was no more accurate statement.

JAMES BRECK PERKINS.

*Memoirs of the Life and Writings of Edward Gibbon.* Edited with Introduction and Notes by OLIVER FARRAR EMERSON, A.M., Ph.D., Professor of Rhetoric and English Philology in Western Reserve University. (Boston and London: Ginn and Co. 1898. Pp. lxxv, 279.)

THIS edition of Gibbon's *Autobiography* is characterized by a reconstruction of the text on the basis of the recently published original drafts. In framing this new text Professor Emerson begins with draft "F," to use the designation of the Murray edition, as far as it goes, and then adds in order such portions of B, C and E as are not repetitions of what has already been given. The texts of these drafts are given without interpolation or suppression. The rest of the material which the first Lord Sheffield used in the construction of his text is presented in the introduction and notes. This is also the first edition of the classic to receive systematic annotation. The editor has prefaced his text with a full and discriminating introduction which gives much evidence of careful research.

Unfortunately, one exceptionally valuable contribution to Gibbon literature has escaped his notice. I refer to the late Gen. Meredith Read's *Historic Studies in Vaud, Berne, and Savoy from Roman Times to Voltaire, Rousseau and Gibbon* (Chatto and Windus, 1897). The last 250 pages of Vol. II. are devoted to Gibbon and contain a mass of hitherto unpublished materials throwing light on every phase of Gibbon's life in Switzerland. In particular Gen. Read gives many extracts from Gibbon's diaries and from the letters and journals of his friends. With this work at his side, Professor Emerson would have found the task of annotation lightened, and he would not have been obliged to say of Allemand, for example, p. 226, "Nothing seems to be known of this clergyman except what Gibbon tells." Read devoted a chapter to Allemand, (II. 134-158), and printed selections from his inedited correspondence.

The task of the first annotator is always a perplexing one, but Professor Emerson has acquitted himself very well. He has blinked no difficulties and he has been able to trace all but one or two of the literary references. One of these, curiously enough, has been printed by every editor in the unintelligible contraction found in Gibbon's manuscript as "Ramusius de Bello C. Paro." This he identified and prints as "De Bello Constantinopolitano."

That there should be a few mistakes in such pioneer work is not surprising. On p. 207, Laurence Echard, the historian, is taken for a French writer and the titles of some of his works are given in French. P. 222, for Bochart, read Bochart. On p. 237 Gibbon's remark that



"the accession of a British king" had gone far to allay Tory feeling is explained as referring to George II. The reference is to George III., who said on his accession: "Born and educated in this country, I glory in the name of Briton." On p. 276 the editor nods in explaining Gibbon's simple assertion that "the writer who succeeds in London is speedily read on the banks of the Delaware and the Ganges," as follows: "That is, America and India. At this time Philadelphia was the great publishing centre of the one, Calcutta of the other." Obviously, it is not a question of publishing centres but of the confines of the English reading public. In the note on Ramusio, p. 272, the editor says that Ramusio's book "was printed in 1609 and never reprinted, so that this accounts for Gibbon's not being able to use it before." It was reprinted in 1634 or 1635 and it was this second edition which Gibbon used, as may be seen from the note descriptive of the work at the end of his sixtieth chapter.

An index would be a distinct help in the use of this edition and should be added in a reissue.

EDWARD G. BOURNE.

*Mirabeau.* By P. F. WILLERT, M.A., Fellow and Tutor of Exeter College, Oxford. [Foreign Statesmen.] (London: Macmillan and Co.; New York: The Macmillan Co. 1898. Pp. xi, 230.)

THIS volume is one of a series of brief biographies of statesmen that Macmillan and Company are publishing. The book is intended for the general public and contains no apparatus in the form of footnotes and, apart from the brief preface, no reference to the material used in the preparation of it.

Mirabeau was the most prominent figure of the first period of the Revolution, but no complete biography of the man has yet been published in English. Loménie's three large volumes and Stern's two volumes still stand alone. Mr. Willert's book, as a sketch of Mirabeau's life, is worthy to rank with the excellent short French biographies by Rousse and Mézières. He seems, however, to have been ignorant of Professor Von Holst's two volumes on Mirabeau (*The French Revolution tested by Mirabeau's Career*, Chicago, 1894), when he wrote in his preface: "I do not know that much of importance has been written in English regarding Mirabeau, except an essay by Macaulay." An essay that devotes about two pages to Mirabeau can hardly be called an important contribution to the literature on Mirabeau, while it is really worth the while of the student of Mirabeau's life to know what Professor Von Holst has written about him. Mr. Willert's volume is really a biography and treats at some length the period previous to 1789; the American work contains but one chapter on this period. Professor Von Holst cites his evidence, however, and for this reason would serve better as an introduction to the study of Mirabeau's life.

Apparently Mr. Willert's aim was to present in concise form the re-

sults of the investigations of such men as Loménie and Stern, supplementing their work by a first-hand knowledge of such material as is found in the *Mémoires* of Montigny, the correspondence of Mirabeau with La Marck and others, Mirabeau's notes to the Court, and his speeches. It is a work of condensation and not of original research. But to condense the life of Mirabeau into two hundred and thirty pages is a difficult task and Mr. Willert has performed it in a highly creditable manner. The proportions are good and the division into chapters shows excellent judgment. The latter part of the work is, to my mind, better than the first part. It shows a firmer grasp of the subject and more unity in the treatment of it. In the first part, not sufficient emphasis is laid upon the fact that the period from 1750 to 1789 in French history was characterized by the crystallization of public opinion in opposition to arbitrary power and that nearly everything that Mirabeau wrote during these years shows him to have been one of the most persistent and consistent advocates of this opposition. Mr. Willert is sympathetic in his treatment of Mirabeau, but it has seemed to me that now and then he is unfair in his treatment of the Revolution (p. 105).

Good as it is, the book is naturally not without defects. There is lack of uniformity in the treatment of French expressions; there are some obscure passages due to too great condensation or to the failure to follow the order of events, and there are some—not many—inaccuracies. The chief defect, as it appears to me, is the lack at times of sufficient background. How much background an historical work should contain is, of course, a matter of judgment, but I believe that the conservative critic would agree with me that Mr. Willert has not always given his Mirabeau a satisfactory setting.

The style of the book is most attractive, although at times (pp. 92, 229) the similes are considerably overdone. One of the most striking sentences that I recall is taken from a description of Mirabeau in the Assembly (p. 87): "His rough-hewn features and shaggy locks were suited, like the mask of an ancient actor, for distant effect." Could Macaulay have done better?

FRED MORROW FLING.

*Histoire du Second Empire.* Par PIERRE DE LA GORCE. Tome Quatrième. (Paris: E. Plon, Nourrit et Cie. 1899. Pp. 642.)

THIS is the fourth volume of the well-known work of M. de la Gorce on the Second Empire, and there are two more volumes to come. The period discussed is that from 1860 to 1866 and the volume contains not only an admirable account of that tumultuous and exciting era in French politics which culminated in the elections of 1863, but also long and practically complete chapters on the Mexican expedition, the Polish insurrection, and the whole Schleswig-Holstein affair leading to the Danish and Austro-Prussian wars.

The present volume brings out with exceptional clearness the chang-



ing conditions under which the Second Empire entered upon the second decade of its history, passing from the "simple and majestic unity" of the earlier years to the "great confusion" of the later; from the era of easy government to that of an administration confronted by manifold complications. "Ce fut la fatalité du Second Empire," says M. de la Gorce, "que les complications, les *questions* (comme le public prit l'habitude de les appeler) se succédèrent les unes aux autres sans laisser aux acteurs ou au spectateurs de la politique un seul instant de trêve ou de repos. À la *question d'Orient* avait succédé la *question italienne*; la question italienne été remplacée par la *question polonaise*: l'affaire de Pologne absorbait encore les esprits, et voici que surgissait la *question danoise*, conflit restreint en apparence, mais où toute l'Allemagne se passionnerait, où toute l'Europe prendrait parti, et où se verrait, dans un cadre moins tragique, l'image rapetissée de toutes les grandes violences qui s'accompliraient plus tard" (p. 468).

M. de la Gorce is, therefore, giving us something more than the tragedy of the Second Empire; he is in reality telling the history of western Europe during six important years of diplomacy and intrigue. In but one chapter is he upon the soil of France; in the others he is in Mexico, Poland, and Germany, just as in the earlier volumes he spent a large proportion of time in the Crimea, Italy, Syria, and China. In the present volume he devotes a third of his space to the Mexican difficulty. This seems excessive, the more so inasmuch as many of the negotiations of 1866 are passed over with but little comment. It is a disappointment to discover Napoleon's dealings with Austria disposed of in a few paragraphs, and Bismarck's famous proposal of June 10 dismissed most summarily in six lines, particularly when we remember how much space was allotted to the movements of the French army from Vera Cruz to Mexico.

On disputed questions M. de la Gorce is on the whole conservative. There is no evidence of partisanship in his attitude toward Germany, though he is severe in his judgment of Bismarck, and is inclined to depend on Benedetti (*Ma Mission en Prusse*) and La Marmora (*Un Peu Plus de Lumière*) rather more than upholders of Bismarck will like. He acquits Napoleon of duplicity in 1866 and seems to accept his letter of June 12 to Drouyn de Lhuys as a true explanation of the imperial policy; and he explains Napoleon's concurrent negotiations with Austria and Prussia as due to the Emperor's avowed determination to preserve an even balance between the two powers that he might be competent after war had actually broken out to play the part of impartial mediator (p. 614).

As was the case with the earlier volumes so here we find no especially authoritative utterance due to the discovery of any new material. M. de la Gorce has made no such contribution to history as have Stern and Von Sybel. He is a skillful and careful co-ordinator, using impartially and impersonally the extant printed materials and presenting his conclusions with exceptional lucidity and charm of style. His work de-

serves to be translated, for it will be when finished unquestionably the ablest history of the period from 1850 to 1870 that we possess now or are likely to possess in the near future.

CHARLES M. ANDREWS.

*Histoire de la Troisième République.* La Présidence de Jules Grévy.

Par E. ZEVORT, Recteur de l'Académie de Caen. (Paris: Félix Alcan. 1898. Pp. 546.)

THIS third volume of M. Zevort's history of the French Republic covers the nine years of Grévy's presidency, from January, 1879, to December, 1887. The period is less exciting, and to the general public less interesting, than those treated in M. Zevort's earlier volumes, but to the student who wants to understand the real working of the present French government, it is far more important. The heroic period of the Republic had ended, and the enthusiasm that greeted its birth had faded into the light of common day; but for that very reason the history of the time furnishes a genuine test of the existing political institutions. M. Zevort's work supplies, therefore, a real want, for it gives us a narrative of current politics under the Republic which cannot be found in a convenient form elsewhere. It is not a philosophic study of the times, but a narrative of political events, a history of the succession of short-lived ministries, their struggles in the chambers, the measures they carried, and the causes of their fall. While the author lays a proper stress on the great laws on education, the press, public meeting, etc., passed during the earlier years of this period, he may be criticized as being too conscientious, as mentioning too many of the bills brought before the chambers. He has a little tendency to cram the book full of detail, and thereby injure its perspective, but while this makes the work somewhat less interesting to the general reader, it is none the less valuable to the student.

Although M. Zevort is, on the whole, cautious in his judgment of men, he lets us see very clearly that he has not a high opinion of President Grévy's character. He attributes the lack of party discipline and the consequent instability of cabinets in no small part to the President's jealousy of public men, and especially of those leaders who belonged to the same wing of the Republican party as he, and consequently whose political opinions were, on the whole, most nearly like his own. To this jealousy, M. Zevort attributes the failure of Gambetta to become chief of the first ministry after Grévy's election; and, in his opinion, that failure was a permanent source of harm. The real leader of the majority ought, of course, to be at the head of the ministry, and he thinks that his absence from that position made party discipline impossible. The President's jealousy was not limited to Gambetta, and did not cease on his death, but extended to the leaders who succeeded him, and especially to Ferry, whom the author looks upon as the next greatest figure to Gambetta in the Republican ranks. He thinks that Ferry did not have the



cordial support of the President, and that again, after Ferry's fall in 1885, Grévy made matters worse by coquetting with the radical leaders, men who were themselves, from their traditional tone of mind, incapable of being at the head of the government.

The book gives an excellent idea of French politics during the comparatively quiet period intervening between the resignation of MacMahon and the rise of Boulanger; but of course it was written from the outside and not from the inside. The descriptions of motives are in the main surmises, so far as they are not revealed by contemporary speeches and publications. This is not, however, a fault, because it is inevitable in the case of a history written so near the date of the events which it describes.

*A History of the Colonisation of Africa by Alien Races.* By Sir HARRY H. JOHNSTON, K.C.B. (Cambridge: University Press. 1899. Pp. xii, 319.)

SIR HARRY JOHNSTON is well known in colonial and geographical circles as an authority on the erstwhile Dark Continent. He has traversed it in North, South and centre; he has served his government as consul and administrator; he has been personally concerned in the making of some pages of its later history; and he has written several works bearing on African subjects. The selection of his name by the editor of the Cambridge Historical Series was therefore justified on the ground of first-hand acquaintance with the theme.

The scope of the present work includes a survey of colonization from the earliest times to the present. Africa before the Europeans is briefly sketched, followed by accounts of the Portuguese, Spanish and Dutch in Africa. The historian here turns aside to give a succinct narrative of the slave trade. Resuming, he follows the British through western and northern Africa, and after them the French. He again inserts a *résumé*, this time of the Christian missions, returning to the British in southern Africa. The topic of exploration is rapidly handled, leading up to the colonizing activities of the Belgians, of the British in the East, of the Italians, of the Germans, and of the French in Madagascar. In conclusion the author takes an "outlook" of the situation, and attempts to forecast the continent's development. A supplement of recent events, a chronological appendix of leading facts, a bibliography, and an index complete the volume, which is illustrated by eight maps.

It is possible that this arrangement is the best obtainable. No doubt there are considerable advantages in treating colonial evolution nation by nation. Yet unity of impression is certainly impaired, and some repetition has resulted. Surely the record of the last twenty years might have been rendered more readable and instructive by considering it as a whole, and avoiding the abrupt breaks from British to French and back to British, Germans, and French. The truth is that the "scramble for Africa" since 1883 is an international subject of such surpassing importance that it is obviously entitled to a consideration apart, like the "Far Eastern



Question" or the "Congress of Vienna." As such an era the period has been well treated by Scott-Keltie in his *Partition of Africa*.

Aside from the question of arrangement, the present volume shows evidence of wide reading in the literature of exploration and colonization. It is filled—well-nigh crowded—with facts. The reader has the feeling that no significant statement touching on African development has been omitted. The style is clear, if not particularly attractive. The writer's judgments are sane, and the tone is usually moderate. Sometimes a reference to London interference in affairs colonial calls forth a display of feeling not unnatural from an actor in the furthering of British imperial designs. An occasional personal touch distinguishes the traveller and diplomat from the "arm-chair" student. The maps—an essential matter in a work of this nature—are necessarily small, but are useful in illustrating the various political and ethnological "spheres." Volumes of African travel, adventure and campaigning are many; the list of strictly historical books is short, and in it Johnston's manual will have an honorable place.

EDMUND K. ALDEN.

*The Life and Work of Thomas Dudley, the Second Governor of Massachusetts.* By AUGUSTINE JONES. (Boston: Houghton, Mifflin and Co. 1899. Pp. xi, 484.)

THE biography of Thomas Dudley, the second governor of Massachusetts, by Mr. Augustine Jones, is a stout volume of 436 pages, aside from the appendix, and considering that Dudley left hardly anything behind him, the book seems, to say the least, ample for the subject. At heart, however, Mr. Jones is less concerned with the case of Governor Dudley than with that of the orthodox party of the Puritan Commonwealth, and he has mainly written to defend his heroes against their modern critics. Indeed there are few literary phenomena which mark more clearly the movement of modern thought than the change in the attitude of Massachusetts historians within a generation. Dr. Palfrey assumed as an incontestable truth that the founders of the Puritan Commonwealth were, in all great and good qualities, raised above the standard of other human beings; that they were, in fact, beyond criticism. Mr. Jones, on the contrary, is nervously alive to the carping spirit of his time, and is never tired of declaring that "there are indifferent citizens in the old Commonwealth who detract from the just merits of her heroes . . . with every refinement of severity" (p. 429).

Meanwhile, however, it is principally owing to this sensitiveness that Mr. Jones has made a readable book. He has chosen for his subject Thomas Dudley, who though of undoubted ability and determination has always stood as the representative of the ultra-clerical party, and has passed, moreover, for a man uncommonly sharp at a bargain and short in the temper. However this may have been, Dudley certainly became embroiled not only with all sorts of blasphemers and heretics, but with Governor Winthrop himself.

Mr. Jones has gone at length into these quarrels and has collected some very entertaining gossip, which he has accompanied with a commentary. Evidently he feels, when dealing with those who gore his own ox, that John Winthrop himself was not free from that sanctimoniousness which has been considered a Puritan attribute. "Dudley always began the trouble, as Winthrop related it; he was the cause and effect of all the wrong" (p. 109). On one occasion Dudley questioned Winthrop's administration, whereupon "the Governor admits that he spoke 'somewhat apprehensively.' The Deputy began to be impassioned and told the Governor, that, if he were so round, he would be round too. The Governor bade him be round, if he would, so the Deputy (Dudley) rose up in great fury and passion" (pp. 108, 109). Mr. Jones points out that in this dispute Governor Winthrop did not "appear at his best, even with the great advantage of being allowed to tell the story with no opportunity for the other side to be heard" (p. 110). For, as Mr. Jones observes, the ministers who acted as referees sustained Dudley.

Winthrop, on his side, found fault with Dudley as a usurer. "Here," as Mr. Jones sarcastically explains, "the generosity and patriotic, self-sacrificing character of the Governor appear in contrast with the selfishness of Dudley. He had already prepared us to expect this in his graphic picture of Dudley 'selling seven bushels and a half of corn to receive ten for it after harvest.' And so far as I have been able to learn, it is from these two passages that the false story of Dudley's stingy character originated" (p. 111). Mr. Jones also falls foul of the anecdote that when Governor Winthrop was on his deathbed Dudley came to him and asked him to banish a heretic, which Winthrop refused, saying: "He had done too much of that work already." Mr. Jones declares the tale to be false, and furthermore says that even if true it only shows that Dudley did his duty, for if the governor were incapacitated the deputy-governor "ought not to be held up to the execration of the world in comparison with the compassionate Winthrop, who, in health and vigor, having no veto power, would not have hesitated to execute the order of the court" (pp. 208, 209).

We regret to say that Mr. Jones does not enter into the Antinomian and Anabaptist controversies as fully as he might, nor does he deal with the case of Roger Williams in what seems to us a satisfactory manner. The inherent vice in most of the writing dealing with Massachusetts ecclesiastical history is its lack of sincerity. Down to the time of Dr. Palfrey, the perfection of the Puritan Commonwealth was accepted as an article of orthodox faith, much like the authenticity of the Scriptures. Within the last generation the Puritans have been subjected to criticism very much as the Bible has, and many of the old positions have been made untenable. The orthodox have thus been placed in a dilemma. Unwilling to change their attitude towards their ancestors, and unable to deny facts, they either avoid painful topics or resort to reasoning akin to paradox, as for example, maintaining that Roger Williams left Massachusetts "solely on political grounds . . . which had nothing to do with



religious liberty" (p. 198). In our opinion neither the cause of the Puritans nor the cause of historical criticism is to be advanced by such methods as these. The founders of Massachusetts stand in no need of apology or defense. They were men of extraordinary power and vigor, who left England because their very strength made England uninhabitable for them. They came to America to rule, and, established in America, they maintained their sovereignty unflinchingly to the last. In this struggle they sometimes banished, starved, tormented and put to death their opponents, and in doing so they only did what all strong men have always done when fighting for supremacy. Their descendants have considered it an act of filial piety to represent them as a species of saints, whose actions were not regulated by the same causes which ordinarily control humanity. In fact, they were a generation devoured by the strongest and fiercest passions which can inflame the mind, and under the sway of those passions they acted as all men of like strength have acted, in all ages of the world, when their power has been imperilled, whether those men were Calvinists of the Scotch Kirk, or Episcopalians like Laud, or the Catholics of Saint Bartholomew—or heathen of the stripe of Tacitus and Marcus Aurelius, who believed that property in Rome was threatened by Christian Socialism.

*Collections of the Massachusetts Historical Society.* Sixth Series, Vol. X.; Pepperell Papers. (Boston: Published by the Society. 1899. Pp. xvi, 729.)

THE contents of this volume are of the highest importance for the history of King George's War, and particularly for the crowning event of that war—the siege and capture of Louisburg—which the preface of the volume justly denominates "the most important military enterprise ever undertaken by the English Colonies in America." France had fortified Louisburg at an enormous cost. It was the richest American jewel that had ever adorned the French crown. Its situation for the protection of Canada was excellent; and it formed at once an advantageous strategic point from which to harass the contiguous English-American colonies. Massachusetts and Nova Scotia in particular began to feel the destructive power of the French; and the Bay government was virtually responsible for the preservation of the latter.

William Vaughn, son of Lieutenant-Governor Vaughn of New Hampshire province, was, without doubt, one of the first to suggest an expedition against Louisburg; and he played a not uncertain part during its progress and in its successful issue. But to Gov. Shirley of Massachusetts Bay must be awarded the honor of the first official act in the matter. He urged it upon the various legislatures. Singularly enough, his own legislature, after some hesitancy, agreed to the expedition by a majority of only one vote. Over four thousand men were raised by Massachusetts, New Hampshire and Connecticut. The names of many of them are printed in the *New England Historical and Genealogical Register*, Vols. XXIV. and

XXV. ; in a small volume recently (1896) printed by the state of New Hampshire ; in the appendix to the volume here reviewed ; and a list of the commissioned officers, from the registry in the British War Office, was printed by the Society of Colonial Wars, in connection with the 150th anniversary of the surrender—an ever memorable date, June 17, 1745. The historical sources of this famous event are given in detail in Winsor's *Narrative and Critical History*, and in Bourinot's special monograph on Cape Breton, printed by the Royal Society of Canada.

Some of the official documents of these "Pepperell Papers" were printed in the first volume of the Society's *Collections*, under the care of Dr. Jeremy Belknap, who had presented them to its archives in October, 1791 ; but the private letters were not included. The manuscripts were examined by Dr. Usher Parsons for his *Life of Sir William Pepperell*, and Parkman used them for his *Half-Century of Conflict*. A moderate use of them was also made by a few other writers. They consist of Belknap's original bequest, supplemented by later additions from his representatives ; and a few have been added from other sources. Thus we have now presented in full, for the first time, a mass of matchless material of absorbing interest. The documents consist of a "Register of the Councils of War," from April 5, 1745, to May 14, 1746, covering 64 pp. ; a "Copy Book of Orders," from June 20, 1745, to May 14, 1746, pp. 67-98 ; military and private correspondence, arranged chronologically, from February 4, 1745, to September 12, 1746, pp. 99-494 ; and an appendix of rosters, agreements, accounts, sick-lists, deaths, etc., pp. 497-563. The volume also contains an exhaustive index (162 pp.) to the ten volumes of the Sixth Series, but, unfortunately, the names in the appendix to the volume under consideration have not been included.

The Christian names of many of the persons indexed are omitted, yet with little research most of them could be supplied. Ordinarily this is not very significant ; but in such a case as that of Capt. David Donahew the omission is more serious. Donahew, in March, 1745, having decoyed and captured three Indians who were in the French interest, learned from them that Annapolis Royal would certainly be besieged that spring. This was actually the case. The greatest mischief accomplished by the besiegers, as stated by Mascarene (p. 230), was "the taking of two schooners coming from Boston with private stores." It is now known that they were the *Montague*, commanded by Capt. William Pote, and the *Seaflower*, commanded by Capt. James Sutherland. The details of the siege at Annapolis, as well as Donahew's great services, are given in Pote's *Journal*, edited by the undersigned and published in 1896. Donahew's exploit in Tatmegouche Harbor contributed very materially toward the capture of Louisburg. Had he not intercepted this besieging army on its way to Louisburg, the New Englanders would have been, without doubt, greatly harassed by the reinforcements ; and the French governor, Duchambon, distinctly stated that the loss of this looked-for succor proved disastrous at a time when such help would have meant victory. Donahew's death is alluded to on p. 324. In the *Pennsylvania Gazette* for August



8, 1745, it is detailed in all its horrors, on the authority of one of his own party. On p. 272, note, it is stated that Lieut.-Col. John Gorham "died in 1751 or 1752;" but we are able to state that he died in 1752 (see Parker's *New York Post-Boy* for March 30, 1752). In a foot-note on p. 154 there is some speculation about a Capt. James Noble and a Lieut. James Noble. However, the former was a brother, the latter a son of Lieut.-Col. Arthur Noble, who was slain at Minas, January 31, 1747, during that unhappy affair. The son died of a fever at the age of eighteen, at Louisburg, September 26, 1746. The brother married, in 1714, Jane Vaughan, sister of Col. William Vaughan. On p. 230 Mascarene's date of birth is given as 1684, but October, 1685, is the correct date. The earlier date would, in fact, not be favorable to the reputation of his parents, who were honest and suffering Huguenots. These notes, taken wholly at random, might be extended, but will suffice for the purpose in hand.

The editor remarks in his preface that "many of the letters bear abundant marks of having been written under unfavorable circumstances and in great haste." Well may this be! Something of the conditions which prevailed may be gleaned from a document written at the time by Capt. Thomas Westbrook Waldron, and in our possession. He says: "We are all in a Crowd, besides, the Edge of a Board is my Chair, and a Quire of Paper my Table to write on."

We take pleasure in commending the "Pepperrell Papers" to all students interested in the period to which they relate. They are indispensable.

VICTOR H. PALTSITS.

*First Explorations of Kentucky. Dr. Thomas Walker's Journal of an Exploration of Kentucky in 1750, being the First Record of a White Man's Visit to the Interior of that Territory, now first published entire, with Notes and Biographical Sketch. Also Colonel Christopher Gist's Journal of a Tour through Ohio and Kentucky in 1751, with Notes and Sketch.* By J. STODDARD JOHNSTON, Vice-President of the Filson Club. [Filson Club Publications, No. 13.] (Louisville: The Filson Club. 1898. Pp. xix, 222.)

THE propriety of including the Walker and Gist journals in the admirable series of monographs issued under the name "Filson Club Publications" is so obvious that one cannot help wondering why they come so late as No. 13, especially since No. 1 appeared as long ago as 1884. The answer to the question suggested is given, in part at least, by some facts that the editor of the volume states incidentally. The two journals, while valuable in themselves, find much of their interest in great facts of national and international concern that the editor sets forth with reasonable compass and clearness in his introduction and biographical sketches. The treaty of Aix-la-Chapelle had not long been signed, bringing to a



close the fourth of the struggles between Great Britain and France in North America and leaving the way open for the fifth one, when two great land-companies were formed in London, under royal charter, consisting mainly of Virginians, for the purpose of exploiting lands west of the Alleghenies and promoting settlements, as well as, in the case of the second company, of carrying on trade with the Indians. Early in 1750 the Loyal Land Company sent Dr. Thomas Walker, whose residence was at Castle Hill, near Charlottesville, Va., surveyor and man of affairs, as well as physician, into southeastern Kentucky to explore the region with reference to making advantageous locations of land. Later in the same year the Ohio Company sent the veteran woodsman Christopher Gist, whose home was in North Carolina, on the Yadkin, into the heart of the Ohio Valley for a similar purpose. Gist was also entrusted by Governor Dinwiddie of Virginia with some delicate duties in respect to the Ohio Indians. He made his way across southern Ohio as far as the Great Miami River, crossed the Ohio, plunged deep into the central part of Kentucky, and then made his way homeward through the eastern part. The first expedition lasted over four months; the second one over six months. These explorers were the first white men to make careful observations in those extensive regions and to report their results to the world. The business with which each was charged made it necessary for him to record what he saw; hence the journals, which are interesting examples of the mental and literary habits of the best class of frontiersmen at the middle of the last century. Walker's journal remained in manuscript until 1888, when the major portion of it was published by Mr. W. C. Rives; the few leaves that were then missing have since been found, and the whole is now, for the first time, given to the reading public. Walker, by the way, must have been an ardent loyalist at the time of his expedition, or at least an admirer of the hero of Culloden, for he named for the royal duke the Cumberland Mountains and the Cumberland River as well as Louisa River for the duke's sister; which, however, did not prevent his going, heart and soul, with the patriots in 1775. Gist's journal, which is the more interesting of the two, was published by Pownall in London in 1776, and again by W. M. Darlington in Pittsburg in 1888.

The editor has prepared the two documents for the public with care and good judgment. He has carefully retraced the lines of travel that Walker and Gist followed, correcting some old errors as to Walker's path, and has liberally illustrated the texts with historical and geographical notes. But good as the editing is in the main, it should in one particular have been better. The editor should have told something more about the authority on which he accepts as historical the Wood Expedition, said to have been made from the Appomattox to New River, an affluent of the Kanawha, in 1771. Mr. Parkman once said that this story was not sustained by sufficient evidence. Our editor gives three pages in his introduction to the expedition, merely referring for his authority to "the quaint journal of Thomas Batts, who was one of its members," but on a later page he says that the journal exists in manu-

script in Colonel Durrett's library in Louisville, Ky. We shall hope that it is one of the "journals" of exploration west of the Allegheny Mountains that Colonel Durrett says in his preface the Filson Club has marked for publication. We could have wished, too, for some bibliographical notes in connection with the treatment of the Loyal Land Company, but we have nothing. And so with respect to the Ohio Company. If the original papers of this company are still in existence, there are those who would like to know the fact, and also to be told where they are; but no matter whether they are in existence or not, we are entitled, in such a case as this, to some fuller indication of sources.

Introductions, biographical sketches and appendices consisting mainly of minor documents accompany each journal as well as the commentary. In respect to ancillary documents that would illustrate the journals, we rate the work below Mr. Darlington's edition of *Christopher Gist's Journals*, already mentioned—a title that reminds us of the fact that Gist made two other exploring expeditions south of the Ohio besides the one here reported. Still the work is a valuable contribution to history, and, it is almost needless to say, appears in the sumptuous style that has marked the publications of the Filson Club from the beginning. Viewed from the safe distance of a century and a half, the simple transactions here narrated in the simplest manner may not seem to be important; they did not indeed immediately hasten the enterprises upon which the two land companies had entered, but rather tended to defeat them; but they did hasten transactions of such tremendous importance that, for the time, the two land companies, Walker and Gist, their plans and explorations were forgotten. Perhaps there are in our history no records of purely business undertakings that led more directly to results of cardinal importance, or more clearly demonstrated the close connection of business affairs with political and military history.

B. A. HINSDALE.

*The American Revolution.* By the Right Hon. Sir GEORGE OTTO TREVELYAN, Bart. Part I., 1766–1776. (London and New York: Longmans, Green and Co. 1899. Pp. xiv, 434.)

To the critic who demands correctness of historical proportion, it is something of a shock to find a history of the American Revolution beginning with a chapter on the gambling escapades and the youthful correspondence of Charles James Fox. While it is undoubtedly true that "the story of Fox between 1774 and 1782 is inextricably interwoven with the story of the American Revolution," it is less obvious that the history of this epoch requires so extensive a warp of the biography of Fox, as runs through the present volume. The explanation is furnished by the author, however, who tells us that it was impossible for him to continue the biography of Fox, which he left but partly written eighteen years ago, without a broad survey of the whole field of English and American relations in the period of the war for independence. The



volume is thus an attempt at a biography of Fox and a history of the Revolution at the same time ; a distorted perspective was inevitable.

This distortion, however, is not so great as the first chapter would lead us to expect. But the author's position, as the apologist of Fox, furnishes another peculiarity of the book ; it is an important reaction from the recent American tendency to state the English side of the case, in this momentous struggle between mother country and colonial dependencies. Trevelyan is distinctly as vigorous and thoroughgoing a critic of the policy of the English government as any of the earlier radical American historians of repute, who have dealt with the subject. In this respect the book is likely to exercise its most important popular influence. It is the most effective presentation of the fact that the struggle for independence was in truth a phase of a struggle between two great English parties, fought out on both sides of the water : in the mother country in the forum, in the colonies on the field of battle. The general reader will find no stronger statement of the justness of the cause of the colonists than is embraced in this volume. Indeed, at times the author's party predilections and his admiration for things American seem to have led him to neglect some of the strong points in the government's side of the case.

A third peculiarity of the book is likewise due to its biographical character. In no other history of the period are so clearly brought out the contrasts between the personalities of the leaders of the contest on either side of the water. The picture of American society which the author draws by his gossip presentation of the traits and daily life of men like Franklin, the Adamses, Hamilton, Putnam, Greene and Washington furnishes a clever foil to the picture of contemporaneous high life in England, as revealed by the careers of Fox, the Duke of Grafton, George III. and his "friends," and all the pleasure-loving English statesmen, who "for a fox-chase quit Saint Stephen's dome," or

"At crowded Almack's nightly bet  
To stretch their own beyond the nation's debt."

It must be admitted that the portraits of the rival societies are done rather in the spirit of the raconteur than of the prosy historian, who attempts more thorough-going study of the rival civilizations ; and yet in spite of the conversational lightness of the tone, the chapter on Britain and her Colonies is not only immensely interesting, but is a valuable contribution. One of the most noteworthy defects in the view on the colonial side, is the lack of discrimination between sections in America. For example, it is spreading New England's type over too large an area, when the author declares that the children of what in Europe was called the lower class were "taught at the expense of the township." The planter type of aristocracy nowhere receives adequate portrayal, nor are the aristocratic tendencies of the society of parts of New England and the middle section recognized.

Aside from the social and economic factors, the author fails to give

any adequate account of the eighteenth-century legal, administrative, and political contentions between the authorities of the mother country and the colonies. Strange to say, the work of Chalmers on this subject, to say nothing of the material in the Public Record Office, has either been left alone, or rejected for the more appetizing personalities in the correspondence furnished by the Historical Manuscripts Commission, memoirs, etc.

It is needless to say that this constitutes a grave limitation on the value of the book as a study of the origin of the war for independence. But it cannot be denied that it is delightful reading. It was a happy thought to contrast the men and measures of the Continental Congress of 1774 with the general English election of that year. Here the author gives us a most helpful insight into the radical unlikenesses between the contending forces. Perhaps the chatty sidelights on the careers and characters of the soldiers and statesmen who fought out the opening period of the Revolution are the most characteristic features of the author's treatment. The phrase used by him in the opening paragraph of the first chapter, "epicure in history," is not an inapt description of some of his tendencies. Occasional overstatements are perhaps due to this love of the striking. Such for example are the affirmations that American independence must result from the Boston massacre; that the tidings of the burning of Falmouth and the news of the British intention to use German mercenaries by their simultaneous effect "killed outright all hope, or even desire of conciliation;" and the comparison of Governor Hutchinson to Verres.

Among the most interesting pages in the book are the sketches of the battle of Lexington and the battle of Bunker Hill. In connection with the latter, one is impressed with the author's tribute to the British valor on that day.

"For they had that in them which raised them to the level of a feat of arms to which it is not easy and perhaps not even possible to recall a parallel. Awful as was the slaughter of Albuera, the contest was eventually decided by a body, however scanty, of fresh troops. The cavalry which pierced the French centre at Blenheim had been hotly engaged but, for the most part, had not been worsted. But at Bunker's Hill every corps had been decimated several times over; and yet the same battalions, or what was left of them, a third time mounted that fatal slope with the intention of staying on the summit."

No less interesting is his tribute to Washington and his penetration into his military capacity. "On those rare occasions," he writes, "when Washington had the means to assume the offensive, his action was as swift, as direct, as continuous, and (for its special characteristic) as unexpected as that of any captain in history."

The volume brings the war down to the evacuation of Boston. No reader of the present work will be likely to await with anything less than impatience the continuation of this most interesting and in many respects



novel view of the great epoch of separation between the Anglo-Saxon people of America and England.

FREDERICK J. TURNER.

*Esek Hopkins, Commander-in-Chief of the Continental Navy during the American Revolution, 1775 to 1778, Master Mariner, Politician, Brigadier-General, Naval Officer and Philanthropist.* By EDWARD FIELD. (Providence: The Preston and Rounds Co. 1898. Pp. xiii, 280.)

THE author's work in the sources of the history of Rhode Island entitles him to attention. He now brings forward an interesting, illustrated biography of a man hardly known outside his native locality. Bancroft does not mention him, while Arnold treats the incidents of his career in their historic bearing, justly but with meagre interest. The more famous brother Stephen played an important part in Congress and was the immediate cause of the appointment of Esek Hopkins to organize and lead our infant navy.

Ample material exists in the form of official orders, letters and other papers incidental to the unlucky life of the admiral. In the eighteenth century the life of the little colony was essentially maritime, taking into itself the engrossing flavors of the sea. Her leading men were foreign merchants on the land or captains on deck of the craft, which plied to the West Indies, to the ports of Europe, and later to the Orient seas. Descended from Thomas Hopkins, one of the founders of Providence Plantations, Esek became a sailor and manifested great force of character, whether in peaceful commerce, or in the erratic venturesome course of the privateer. Moses Brown noted in 1757 that Captain Hopkins had captured and sent in a snow "laden with wine, oil, Dry Goods, &c., to the amount of about" £6000. The four brothers Brown were rich and powerful merchants, and Hopkins commanded their vessels, as well as others. He sailed everywhere, and was reported at Surinam in 1769.

In the intervals of voyage, he was active in public affairs, though his restless nature would not let him stay long at home. He was upright and sincere, being honored as a school-committeeman, fireward, tax assessor and deputy, or representative as we should say. He was aggressive in speech and carried the abrupt manner of the time from the quarter-deck into private life. These tendencies increased with his years and helped to magnify the troubles of his later life.

Although such training would not fit or develop a commander of any navy in 1899, it was the best to be had then. When the matter of a fleet came before Congress, Rhode Island led the way. Her plan was adopted after much discussion and violent opposition. "Little Americans" were as active when our country was small, as they are now when it has become great. Chase of Maryland said in 1775, "it is the maddest idea in the world to think of building an American fleet, its latitude is wonderful, we should mortgage the whole continent." When we consider the

triumphs of the descendants of this fleet, Hull and Decatur, Farragut and Dewey, we may wonder at the small prescience, which often possesses statesmen.

Stephen Hopkins was placed on the Naval Committee, in conjunction with John Adams. They were the most influential members. Esek Hopkins was appointed commander-in-chief and organized the little squadron of eight vessels. The first expedition to New Providence was thoroughly successful. He then engaged the British in eastern Long Island Sound, and was at first commended. The frigate *Glasgow* escaped through no fault of the American officers, and the country condemned them without reason.

Unfortunately, Hopkins with his fleet was shut in Narragansett Bay, when the enemy occupied Newport. Sailors were so scarce he could not man his ships to get out. The merchants of Providence were engaged in privateering and Hopkins charged that they were too busy in getting recruits for their vessels away from the navy. He had a great faculty for making enemies. Though he was a brave man and true patriot he was at last deprived of his command.

Mr. Field has made a needed addition to the literature of the Revolution, and one worth the attention of students.

WM. B. WEEDEN.

*The American Passport, its History and a Digest of Laws, Rulings, and Regulations governing its Issuance by the Department of State.* [By GAILLARD HUNT.] (Washington: Government Printing Office. 1899. Pp. xi, 233.)

THIS valuable manual, a pioneer work, has been prepared by Mr. Gaillard Hunt, the accomplished Passport Clerk of the Department of State at Washington. It is neatly bound in cloth, and contains a table of contents, an index, marginal notes and a running caption. The paper and type are very attractive.

The ordinary passport, a document issued in this country by the Secretary of State, and abroad by our legations, is, in effect, a request to other governments to admit to their territories the bearer, a citizen of the United States, and to give him, in case of need, aid and protection. Though many countries do not now require the production of passports, others still exact them from travellers, and especially from sojourners. About twelve thousand of these documents are issued every year by the Secretary of State, not to mention the number of those procured abroad, and that officer considers it a wise precaution, if not a necessity, for all American travellers to carry them.

Part I. of Mr. Hunt's volume tells of the nature and several kinds of passports, their form and pictorial features, and by whom and upon what evidence issued.

A passport is obtained from the Department of State by one of our citizens upon filing a proper application—blank forms being supplied by



the Department—subscribing the oath of allegiance, and paying a fee of one dollar. Its duration was fixed in 1873 at two years. It is now the rule, instead of granting a renewal of the passport at the end of that period, to require an application for a new one.

Part II., which contains a full and admirably arranged digest of the laws and decisions relating to the issuance of these documents, shows, among other things, how many perplexing questions arise concerning citizenship. Our courts hold many persons to be citizens to whom our executive officers cannot issue passports. Not to speak of those who, being neither white persons nor Africans, are occasionally admitted to citizenship in disregard of the statute, nor of those whose papers show that they were prematurely or irregularly naturalized, there are many whose applications for passports must be denied, because, though for some purposes citizens, they cannot be effectively protected by our government, or because they must be considered as having abandoned their citizenship for purposes of protection. A foreign woman who has married one of our citizens, but who has always continued to reside in the country of her birth, may have dower in her husband's property in this country, but she will not be entitled to an American passport, on account of the possible rival claim of the sovereign in whose jurisdiction she has remained.

We advocate the right of expatriation, but no law of ours defines what shall constitute a renunciation of nationality. Undoubtedly the Department of State would have raised every presumption in favor of the conservation of American citizenship, had native citizens alone been involved. But naturalization has been sought here by many to be used as a protection from obligations of citizenship in their own countries, to which they hasten to return as soon as they are made American citizens. Their conduct has made necessary the adoption of harsh rules of presumption concerning the abandonment of citizenship, which are applicable, with few exceptions, to all Americans residing abroad, whether native or naturalized. It may be asked: Why not distinguish between the two classes of citizens, as the English do, in issuing passports? Because an act of Congress expressly provides that all naturalized citizens, while in foreign countries, shall be entitled to and shall receive from this government the same protection which is accorded to native-born citizens. Practically the same form of passport is, in consequence, issued to both classes.

E. I. RENICK.

*Rhode Island and the Formation of the Union.* By FRANK GREENE BATES, Ph.D., Assistant Professor of History in Alfred University. [Columbia University Studies in Political Science, History and Public Law, Vol. X., No. 2.] (New York. 1898. Pp. 220.)

THE drift of each of the original states into the Union has a peculiar interest. What led to hope and confidence in one colony aroused fear

and distrust in another, while different sections in the same colony opposed each other on the question of federal organization. Keen as was the interest in many places at the time, its common height was reached when Rhode Island, last and least of the thirteen, stood apart from her sister colonies in solitary independence. Why was it? Would she remain so? What would be the result, both as to her and the Union? Such were the questions which stirred the country, and the study of her position during those two-and-a-half eventful years still claims attention. It has received close scrutiny in the volume before us. A son of Rhode Island, Professor Bates had the advantage of a knowledge of the people, which gave insight into their traditions and characteristics, and of an education outside of its borders, which led to an impartial search for the motives by which they were impelled. The result is a full, fair and plain statement of facts, drawn from all available sources, glossing nothing, but showing how rural towns were led long to oppose and finally to accept the necessity of a national government. Rhode Island was not, in this respect, greatly different from several of the states, but it was hampered by peculiar conditions, whose causes and effects are carefully explained.

Beginning with a sketch of the settlements and their development, Dr. Bates points out their distinguishing traits of independence and religious freedom as those which had a permanent influence upon the united colony. The special conditions at the adoption of the federal Constitution brought results like those in our own time, when financial troubles have divided agricultural and commercial sections. Thus the towns pulled apart and gave way to bitter strife. There was no established church, as in other colonies, to unite the people around a common centre, and hence political difference became the more intense.

While it is quite true that most of the paper-money party opposed the Constitution and that it formed the nucleus of the Anti-Federal party, it does not follow that the opposition was based upon an adherence to paper money, for, in all the colonies, even where economic heresies did not prevail, there was much distrust of the new Union, and in Rhode Island men differing on that question were found for and against the Constitution. The author gives undue prominence to that issue, then practically dead, by leaving an impression that it blinded the colony to its patriotic duty. There were other ample grounds for hesitation. In an untried scheme, the smallest colony might well be fearful for her independence, in so close a union with more powerful colonies. She demanded guaranties. Above all, it was feared that the principle of religious liberty, on which the colony was founded, might be overthrown. But after the assurance of the first and tenth amendments, removing all fear of an established religion and of usurpation by the central government of rights not granted by the states, Rhode Island speedily accepted the Constitution. Certainly it was not a lack of patriotism that delayed her. In acts of independence and resistance to British authority she had been in advance of the other colonies. All this is recognized by the author, but not so strongly relied on as it might be. He draws his con-



clusions from the signs of the times with rigid strictness. It is an interesting study and admirably unfolded. A copious and helpful bibliography is added.

JOHN H. STINESS.

*The Jacksonian Epoch.* By CHARLES H. PECK. (New York : Harper and Brothers. 1899. Pp. viii, 472.)

THIS is a plainly told and interesting account of our politics from Jackson's victory at New Orleans in 1815 to the Democratic defeat in 1840. The public history of that quarter-century in the United States has so often been told, both generally and in minute detail, and has been lighted up by so much biographical industry, that it would be difficult indeed for anyone to change the distinct and probably permanent picture of it which we already possess. Conscious, no doubt, of this difficulty, Mr. Peck has sought an original treatment of the period, as a Jackson-Clay "epoch," in a separation of the careers and rivalry of the two leaders and of the causes with which they were concerned from the continuity and generality of our history. He has, besides, hit upon the device of an account of public events which shall be more biographical than history and more historical than biography. But the difficulty with this is obvious, that the result must likewise be less historical than history and less biographical than biography. Although it escapes one limitation of each, it does not reach the complete and artistic result of either. In the general method necessary to the treatment of a political epoch, personal details quite suitable for biography, but irrelevant and uncharacteristic for history, have a forced and distracting effect. The reader finds it a wrench to be suddenly carried from disquisition or narrative of an epochal character to genealogical particulars about a political leader. The author's faculty for writing history includes so much clearness and fairness, that it is not, perhaps, ungracious to express the hope that he will hereafter give us an important work written under no obligation to a theory the seeming novelty of which must be open to suspicion in so old, so very old, a field. Let us have biography or let us have history, each remaining itself, though calling upon the other for appropriate and subordinate help.

Mr. Peck is broad in sympathy and liberal in judgment. He scrupulously sums up the material facts ; and if his conclusions need correction, his reader is helped to make it. He sketches Jackson, Clay, Calhoun, Van Buren and Benton in lifelike fashion ; and he generously judges them all. Such generosity is, no doubt, essential to truth when one deals with the career of a man crowded by the exigencies of public life, amidst which the precarious and threatening inconsistencies of effective public opinion although they cannot always be resisted, must nevertheless be skillfully avoided, if there is to be that practical result by which alone statesmen are judged even at the bar of impartial history.

It is difficult, however, to agree with the author's comparative estimate of Jackson and Clay which, no doubt, is the *pièce de résistance* of his

work. He follows much too closely for the robust truth of history the academic and conventional traditions which have come to us from the cultivated classes of a half-century ago. He declares Jackson's "eminence" to be that of a "chance instrument"; while he puts Clay in the category of men who, if they had lived in other days or amid other surroundings, would, in place of the notable things they did do, have done other notable things. This class he illustrates with Shakespeare, Newton, Burke, Franklin and Hamilton. Surely there have been "mute inglorious" Newtons and Burkes and Hamiltons as well as Miltons. If the author's account of Jackson be correct, as we believe it to be, it is difficult to assent to the conclusion that his case differs from that of Clay in the certainty of his obscurity had his time and environment been different. We are told that his personality was "potent," his natural temper "terrible and overpowering" and his spirit one of "fearless independence"; that, in spite of wretched education, he gained influential standing as a lawyer and the "lion's share" of civil business—and this within the very first years of his manhood; that, as a commander, he had "appalling energy and celerity" and a "truly high order of combative military genius"; that, although his tactics were remiss for some time before the British landed below New Orleans, he nevertheless, when the danger was at hand, "filled the torpid populace with enthusiastic vigor" and won his famous victory by "his genius for combat"; that in political life he made "men of sagacity and ability" his "chief counsellors" and that "for the most part the policy he was compelled (why 'compelled' of Jackson more than of other political leaders?) to pursue deserves greater credit than belongs to that of the opposition"; that "he was in all things entirely direct and . . . free from cant and pretension"; that "no one thought him venal and few thought he had any moral obliquity"; and that, during a long and conspicuous career, he induced "by his dreadful independence, directness and force . . . a large majority of the people to believe that he fully understood what he was about and was sufficiently right in his course."

This comes tolerably near to the picture of a great man, an Agamemnon of democracy—even if his faults were great or barbarous. The author's own account of the campaign against the Bank would give Jackson a foremost place as a politician if not as a statesman; and his judgment in that famous struggle is sustained by the general approval in our day of the divorce of government from banking. The author might well have inferred—even if the trait had not again and again been obvious—that underneath Jackson's reckless and impassioned bearing there dwelt astuteness, a true persistence which accomplished the results of patience, and a highly correct power of observation. That all of his faculties would, in every other age or environment, have remained in commonplace mediocrity does not seem probable.

The description of Clay is accurate, with his charm and eloquence in democratic advocacy and his delightful and sometimes exalted sentiment. The author on the other hand points out, and quite as clearly,



the absence, at least during the Jackson-Clay epoch, of the far-seeing and firm policy, and the adhesion to some sound principle, intellectual or moral, which belongs of right to every statesman of the first rank. We are shown Clay's faults in his treatment of critical matters. Mr. Peck declares the attack upon Jackson's Florida campaign to have been "the most calamitous and far-reaching of Clay's political mistakes." Clay's defeat of the re-charter of the U. S. Bank in 1811 was, he tells us, "a serious misfortune to the country," which Clay "soon regretted," himself becoming the chief advocate of the later attempt at re-charter. The rejection by Clay and his associates of Van Buren's nomination to the Court of St. James is condemned as "an electioneering episode" advantageous only to the men and causes Clay opposed. Clay and Webster are pronounced responsible for the defeat of the re-charter of the Bank and the woes it brought their own party by their refusal to permit modifications in the bill which were approved by the Bank and acceptable to Jackson; and this refusal is declared to have been a political manoeuvre for which, when it failed, there was no excuse. Whatever greatness is to be accorded Clay, it is clear, belongs not to his career and achievements in the rivalry with Jackson, but rather to his services as the "great pacificator." In the Missouri Compromise, and thirty years later in the Compromise of 1850, "the leading principle of his statesmanship" was "to solve the present and urgent problem in a way to preserve and expand our nationality on the existing basis." What measure of greatness belongs to those services, upon which must rest his best permanent fame, is, however, a question hardly within the limits of the Jackson-Clay epoch.

In these days of busy men and many books, the absence of an index is just ground of complaint at least against the publisher of this work.

EDWARD M. SHEPARD.

*The Life of Henry A. Wise of Virginia, 1806-1876.* By his Grandson, the late BARTON H. WISE. (New York: The Macmillan Co. 1899. Pp. xiii, 434.)

THE life of Henry A. Wise is an admirable piece of work. It is done with affection, sympathetically, yet it is thoroughly judicial. The author, like his subject, loved their mother state Virginia, yet he speaks of her without provincialism.

Henry A. Wise was by long descent a Virginian—he was, as he put it, *intus et in cute* a Virginian. He went to Washington College in Pennsylvania, but studied law with Judge Henry St. George Tucker, at Winchester. He practised law at Nashville, Tennessee, but soon returned to settle down where he was born, on the so-called Eastern Shore of Virginia. In 1833, at the age of twenty-seven, he was elected to Congress from a district which included a number of old counties on both sides of the Chesapeake, and sat continuously for eleven years. He then resigned, to be sent as minister to Brazil. Then for ten years he practised law. Of the Virginia convention of 1850, which reformed the state constitu-

tion, he was a leading member. Nominated for governor by the Democrats, to oppose the Know-Nothing party in 1855, he made a remarkable canvass of the state, travelling three thousand miles and using up over four months, and was elected by a substantial plurality. During his term of office occurred John Brown's raid at Harper's Ferry and his execution. In the state convention of 1861 which decided the attitude of Virginia to the federal government, in the issue of civil strife, he was a member of the committee on federal relations. On the breaking out of civil war, he entered the Confederate service as a brigadier-general. The last years of his life, ending in 1876 at three-score and ten, were spent in the practice of law at Richmond.

Thus this readable biography of Governor Wise is very largely an index to the history of Virginia during the very important period when a long struggle in the state was ended by the adoption of a modernized constitution, when the greater struggle between state sovereignty and the powers of the federal government came to an issue, and Virginia had to decide her place. The old aristocratic features of state and local government in Virginia had largely been done away after the Revolution, but the growth in population of the central and western portions of the state, from the fertile Piedmont to the Ohio, soon brought about the condition when, with representation in the legislature by counties, the old and small tide-water counties could entirely outvote the greater population west of them. The interests of East and West appeared to differ. The West wished internal improvements and the East was loath to shoulder its burden of expense for them. Slave labor belonged almost exclusively to the East. In the state convention of 1829 only one man from the tide-water region favored a change to representation based on white manhood suffrage alone, and the bitter struggle between the sections of the state ended in a compromise which merely put off the final settlement. Mr. Wise began his political life under the influence of Andrew Jackson and his party, and remained always a Democrat in his belief in the people. He pleaded consistently and earnestly for Virginia to arouse with the spirit of the age and recognize that the real interests of all her people were the same. In an address to his constituents in resigning from Congress he had urged an increase in taxation to promote public schools. When another constitutional convention was finally secured in 1850 he announced himself as a candidate for election, from the Eastern-Shore counties, on a clear-cut platform, and was elected, though the fact that the other delegate was a "mixed-basis man" shows that Wise's success was largely due to his popularity among his people. In the convention he became a leader, single-handed from the extreme East, of the western party, in favor, as he said, of free and universal education, suffrage and representation. While his party did not secure all it wished, it practically won the victory.

Touching relations of a state to the federal Union, the people of Virginia, however their distinctive school of politicians had taught extreme state's rights, were overwhelmingly opposed to secession. But they were



a unit in denouncing abolitionism and in demanding the protection of property, in slaves as in any other form of it, everywhere. Mr. Wise wrote in 1855, "I shall urge the preparation of the state for events which are casting their substance, more than their shadows, before them." Yet he hoped that war might be averted by some joint action of the Southern states, and the next year, as governor, tried in vain to bring about a conference of all their executives (except those of Kentucky and Missouri, who were not Democrats) to consult upon "the state of the country, upon the best means of preserving its peace, and especially protecting the honor and interest of the slave-holding states." The Virginia convention of 1861 brought together the leading men of the state. Mr. Wise's notion was, if resort was had to arms, that Virginia and other states in sympathy with her, keeping the Stars and Stripes, should fight as defenders of the Constitution against the usurpations of the Federal Government. Revolution, not secession, was the remedy he wished, if extreme remedies were necessary; but he became tired of the conservatism of the majority of the convention and voted with the minority for Virginia to "resume her delegated powers." On Mr. Lincoln's call for troops, old Whigs in tears joined the minority, and the convention was a unit save for a few men, who could be counted on one's fingers, from the extreme West. The words which Mr. Wise had spoken in Congress, twenty years before, of nullification in 1832, then became true of Virginia east of the mountains: "That if war had begun, every Union man of Virginia would have been a Southern man. No standing army would ever have crossed her lines to do battle against a sovereign state, without first fighting her sons of every faith at every pass where volunteers could have made a stand."

However we may be perplexed by various expressions about sovereignty which Wise used, although we may believe his views of African colonization to have been puerile, and despite the charges of inconsistency in politics brought against him, all must admire his frequent brilliancy, his independence, his untiring energy. He began a Jackson Democrat, yet he would not follow his magnetic leader and friend everywhere; he worked hard for Buchanan's election yet he repudiated the Lecompton constitution of Kansas because it did not represent the will of the people of Kansas; he bestirred the Virginia militia after John Brown's raid, but his letter on a proposed scheme of settling Northern whites in Virginia was calm and sensible; an extreme Southern man for protection of slave property under the Constitution as interpreted by the Supreme Court, he worked hard when minister to Brazil for the enforcement of laws against the slave trade—he would not see the Stars and Stripes chartered or sold for the uses, to quote his words, of an infamous trade. "I never," he once said, "was afraid to differ with my constituents or to tell them I differed." General Lee, when about to surrender, gave to Wise, then a major-general and remembered by Northerners as the man who had hung John Brown, an opportunity to leave Virginia, but Wise preferred to surrender, to stay with his people and

to help to build up his fallen state. His letters and addresses after the war were marked by the same spirit. "I would not enslave the colored people again if I could," he said; "I am more than convinced now that slavery is so great a national weakness if not wickedness that it should never be tolerated by any people who would themselves be free." So he came to feel that the war, inevitable, had been providential. As he worked hard, an old man, for his daily bread, so he urged young Virginians to be high-minded and generous, as their fathers had been, but to be just before being generous and to rejoice in the necessity of toil. He had been left an orphan at the age of six and spoke of himself as a self-willed boy. Through life he was impulsive. Noticeable for his abstinence from liquor, at a time when drinking was common, he was yet intemperate in the use of tobacco. His chief faults, to the world, were his lack of balance, his intemperance of speech.

In reading this life of Wise and its touches of Virginia history, our horizon of thought constantly widens; and we feel afresh that without the careful study of local conditions, the history of a nation cannot be written justly.

JEFFREY R. BRACKETT.

*General Sherman.* By GENERAL MANNING F. FORCE. [The Great Commanders Series, edited by James Grant Wilson.] (New York: D. Appleton and Co. 1899. Pp. ix, 353.)

GENERAL FORCE was one of the best selections that could have been made from the leading officers of the Army of the Tennessee to write the history of General Sherman. An excellent officer, a close student of the war, a clear and fair writer and an intimate friend, he was well equipped for obtaining the needed material and using it with effect. It is a matter for serious regret that ill health compelled him to commit the writing of the important chapters upon the Atlanta Campaign, the Development of the March to the Sea, and the Post-Bellum Period to Gen. J. D. Cox, since the latter has in these chapters repeated certain material errors to which he has heretofore committed himself in his writings.

The period of General Sherman's life before the war is necessarily presented by General Force in compact form, but it is the most successful effort of the kind yet made. The same may properly be claimed for the chapter on the beginning of the war. In this Sherman's brilliant conduct at Bull Run is brought out in new light, a single sentence telling the story, that of the entire Union loss of "481 killed and 1111 wounded, Sherman's brigade lost 111 killed and 205 wounded."

The chapter on the battle of Shiloh is the most thorough study of that engagement yet printed. The author admits that "General Johnston marched his army out of Corinth, and on Saturday deliberately put it into camp, arranged in lines of attack, within a few miles of the National picket lines without any one in the National camp having a suspicion of that fact, though there were some who were satisfied there was a large force in front." The case is summed up in this quotation



from General Rawlins: "We did not expect to be attacked in force that morning, and were surprised that we were, but we had sufficient notice before the shock came, to be under arms and ready to meet it." Those who have heretofore contended that the enemy ran over the Union camps while men were still asleep in their tents or at breakfast, will be surprised at the strength of the evidence which the author brings from the records to show "that no camp was entered before nine o'clock, and, excepting Prentiss's, none was entered before ten o'clock; and, further, that no camp was entered before a serious engagement in which the assailants suffered repulse before prevailing." The map of the battlefield does not agree in important locations of troops, either with the map adopted by Grant, or the one filed by Sherman with his official report. It does not clearly bring out the fact that in the occupation of Pittsburgh Landing the troops were camped with little regard to either main or supporting lines of battle. The other maps of the volume are sufficient for the full explanation of the text.

The story of the operations upon the Mississippi about Memphis and Vicksburg is clearly told, and Sherman's part effectively presented. Being Grant's greatest strategic campaign, the subject well deserves a volume. It is treated, however, by Gen. Force as well as the space at his command would permit.

The narrative of movements in the three days' battles about Chattanooga is alive with interest. It perpetuates, however, several very material errors which have been often corrected by the official record. A reader would suppose that Gen. Sherman successfully executed his orders to carry the north end of Missionary Ridge to the railroad tunnel—this being the key-movement of Grant's plan of battle. On the contrary, through a failure to make reconnoissance, he occupied instead a detached range of hills without opposition. The next day, the enemy having in the meantime occupied the ground in force, he was unable to carry the desired point, though fighting desperately to attain it. The ancient assertion is repeated that the enemy's centre, fronting the Army of the Cumberland, was depleted to strengthen the combination against Sherman, while as a matter of fact, not a soldier or a gun went from that centre towards Sherman during the battle. This misconception arose from the movements of the troops which had occupied Lookout Mountain the day before, being transferred during the forenoon to Bragg's extreme right near Sherman. The credit of planning the Brown's Ferry operation for opening the line of supplies is given to Gen. W. F. (Baldy) Smith, when the official records show conclusively that the plan was formed by Gen. Rosecrans, before Gen. Smith reached the western army. To the latter officer belongs the credit of arranging the details, and brilliantly executing the movement when it was committed to his hands.

Gen. Cox, in scholarly form, sets forth the multitudinous movements of the Atlanta campaign in clear outline. But he obscures Gen. Sherman's failure to promptly turn Johnston's position at Dalton, by a movement in force to the rear of it by way of Snake Creek Gap, which was

early discovered to be unoccupied, and through which Gen. Thomas urged that he might throw his army. Gen. Cox also defends the assault on Kennesaw Mountain at considerable length. This, beyond question, was a grave blot on the long campaign to Atlanta. On this point, in opposition to Gen. Cox's view, it is sufficient to say that Gen. Thomas, Gen. McPherson, and Gen. Schofield, the three commanders of Sherman's armies, strongly condemned the assault as needless, as did also most of the corps commanders.

In treating of the Development of the March to the Sea General Cox ignores the fact, now fully made known by the discovery and printing in the War Records *Atlas* of General Grant's map sent to General Sherman before the Atlanta campaign began, which map demonstrates that General Grant originated a march to the sea to follow the capture of Atlanta. It is true that Sherman's plan differed from Grant's in that the latter contemplated the preliminary defeat of Hood's army.

General Force gives an excellent account of the March to the Sea, and the subsequent wonderful campaign through the Carolinas, but touches very lightly upon the wholly unnecessary escape of Hardee with his ten thousand from Savannah, which caused such sore dissatisfaction at Washington. Again, the reader does not receive any impression of the fact that Sherman's army was in great peril of being defeated in detail in its closing battle at Bentonville. The chapter by General Force on the Sherman terms for Johnston's surrender is the best account in condensed form yet published. It fails, however, to take note of the fact that those terms, in nearly all their essentials, were drafted by John H. Reagan, the Confederate Postmaster-General. His original draft of these terms has been in the possession of the War Department since the close of the war.

It is the final chapter by General Cox, entitled Post-Bellum, which will cause the student of the war to most sharply regret that General Force had not been able to write the entire volume. While it might not have been more readable, it would have been free from insidious efforts to sustain previous unfair estimates of General Thomas by private letters which will not stand the test of the official records. It is unfortunate that a volume so entertaining, and excellent in the main, and especially that so interesting and valuable a closing chapter should be marred by such errors as have been pointed out in this brief review, and which a competent editing with the open official record at hand would so easily have avoided.

*Thaddeus Stevens.* By SAMUEL W. MCCALL. [American Statesmen.] (Boston and New York: Houghton, Mifflin and Co. 1899. Pp. vi, 369.)

IF there is ground for supposing that the editor of the "American Statesmen" series had to cope with certain doubts and questionings before including Stevens in the list of subjects, it is beyond all controversy that the result has vindicated the wisdom of his decision. Mr. McCall has produced as judicious and useful a volume as any in the series.



This success has been achieved through a somewhat unusual conception of a biography. The first sixty-eight years of Stevens's life are but scantily treated, while the last eight—1860–1868—are made to bring him within the category of statesmen. In the long prelude to this final period Stevens appears as an able and successful lawyer, a shrewd but less successful business man, and a politician of little reputation save for partisan bitterness. Through anti-masonry, anti-Jacksonism and anti-slavery, he passed ultimately into the Republican party, and in the accession of that party to power found the opportunity for the display of his peculiar endowments on a national scale. Prior to this time he had served some years in the legislature of Pennsylvania, and three terms in Congress. Except in connection with the promotion of free schools in his state, he had been identified with no great project of public policy, and in Congress he had exhibited his ability only as the most violent of the anti-slavery extremists.

Upon the organization of the Thirty-Seventh Congress, in July, 1861, Stevens was made chairman of the committee on ways and means and thus became leader of the majority in the House of Representatives. This leadership he retained throughout the Civil War and the decisive phases of the reconstruction. As to his qualifications for the task of driving through under whip and spur the constructive legislation required by the crisis of our national life, the records leave no room for doubt. His contempt for discussion when the emergency required action was no less conspicuous and no less effective than that of the recently retired Speaker of the House. As a parliamentary leader Stevens established his reputation on an unassailable foundation. But statesmanship stands on rather a different basis. Devising policies calls for a different order of intellect from that displayed in passing bills. Mr. McCall's discussion tends often to obscure the distinction between Stevens and the committees of which he was chairman, and to ascribe to him the credit (or discredit) for all the measures that he reported. It appears clearly enough, however, that Stevens was personally a strong advocate of the legal-tender laws; that he pressed for measures of confiscation far surpassing in severity those actually adopted, and that he regarded as hopelessly ineffective the policy of emancipation which was put in operation by the President. Whether his judgment on these points was that of sound statesmanship, may well be doubted, though Mr. McCall makes a very striking presentation of the considerations that might justify the ideas of Stevens, particularly on the monetary question.

It was in connection with reconstruction that Stevens's view of what should be the government's policy had the most remarkable history. From the outbreak of the war he consistently maintained that the acts of secession terminated the constitutional existence of the states that passed them, and on this idea he reared his theory that with the triumph of the national arms the status of the conquered regions would be merely that of subject provinces. Mr. McCall traces very fairly the development of this theory, from the time when its enunciation was received with general

horror, to what he calls its "complete triumph" in the Reconstruction Acts of 1867. Though the career of the Stevens doctrine was very remarkable, its ultimate triumph was in reality something less than complete. This evidence lies in the fact, which the author cannot understand (p. 290), that Stevens strenuously opposed the insertion of the so-called "Blaine Amendment" in the act of March 2, 1867. Stevens perceived that this amendment detracted from the simple and unqualified assertion of military authority by the government, and recognized a right of the Southerners to ultimate representation in Congress. His theory denied absolutely any such right, for conquered enemies have no constitutional rights. The act as passed embodied rather more distinctly the Sumner than the Stevens shade of theory; but of the existence of the state-suicide theory Mr. McCall gives no intimation.

In keeping with the general character of the series, this volume embodies a general view of the political history of the time covered by the greatest activity of the subject. This part of the work is eminently satisfactory. The temper of the author is admirable, his information is adequate, and his judgments are sound. A statement here and there may appear a little misleading. On page 101 the repeal of the Missouri Compromise is attributed to "the aggressive slavery party"—the more conspicuous agency of Douglas being ignored. On page 110 it is said: "But scarcely had the compromise of 1850 become operative when the friends of slavery secured its repeal." This is unintelligible. On page 148 the Crittenden resolution of 1861 is represented by implication as having been formally enacted; this is not precisely the case, as the House form and the Senate form differed slightly from each other.

WM. A. DUNNING.

An accident not to have been foreseen has deprived us of the pleasure of inserting in the present number a review, by a most competent expert in matters of education, of the report which the Committee of Seven has presented to the American Historical Association, and which has been printed in a small and inexpensive volume entitled *The Study of History in Schools* (Macmillan, pp. ix, 267). The formal review is, we hope, only delayed. Yet the book is so important and so interesting to teachers, and so much deserves their attention at the beginning of the scholastic year, that we do not think it advisable to permit our October number to appear without at least a statement of the nature of the book, and of what the teacher may expect to find between its tasteful covers. The committee was appointed in December, 1896, to consider the subject of history in the secondary schools and to draw up a scheme of college entrance requirements in history. The members were Professor A. C. McLaughlin of the University of Michigan, chairman; Professor H. B. Adams of the Johns Hopkins University, Mr. George L. Fox of the Hopkins Grammar School, Professor A. B. Hart of Harvard University, Professor C. H. Haskins of the University of Wisconsin, Miss Lucy M. Salmon, professor in Vassar College, and Professor H. M. Stephens of



Cornell University. An especially noteworthy feature of their work is the pains which they took, as an indispensable preliminary, to inform themselves thoroughly, by means of circulars of inquiry, correspondence, conversations and travel, concerning the actual facts of school work in history in all parts of this country and in foreign lands. Those teachers who may expect from a committee so largely consisting of college professors a pronouncement *ex cathedra* and a rigid scheme inapplicable in varying conditions may be reassured; they will find nothing of the sort in the book. "We have sought chiefly to discuss, in an argumentative way, the general subject submitted for consideration, to offer suggestions as to methods of historical teaching and as to the place of history on the school programme, being fully aware that, when all is said and done, only so much will be adopted as appeals to the sense and judgment of the secondary teachers and superintendents; and that any rigid list of requirements, or any body of peremptory demands, however judiciously framed, not only would, but should, be disregarded in schools whose local conditions make it unwise to accept them."

The report proper is divided into chapters relating to the value of historical study and its relation to other studies, the suggestion of four blocks or periods of history to be recommended for use in schools, the mode of treatment for each, methods of instruction, and requirements for entrance to college. The first appendix (pp. 137-157) describes, upon the basis afforded by the committee's investigation, the present condition of history in American secondary schools; the second (pp. 158-172) deals with the study of history in schools of lower grade. In Appendix III. Miss Salmon presents a most thorough and valuable account of the teaching of history in the German gymnasia. Accounts of history in the French *lycées* (by Mr. Haskins), in the English secondary schools (by Mr. Fox) and in those of Canada follow (pp. 199-238). The final appendixes give excellent lists, with comments, of books and articles on the teaching and study of history, and of maps and atlases useful to teachers of history. Without expressing a judgment on the recommendations made by the committee, a matter which it is proper that we should leave to our reviewer, we may affirm without hesitation that a book so carefully prepared, upon a subject so important, deserves the most extensive circulation. More than two hundred thousand young people are studying history in American secondary schools; in our opinion, the American Historical Association never did a more useful thing than when it set on foot a systematic inquiry into the questions, how they are and might best be taught.

On November 20, 1898, a large number of teachers and students of history in Belgium joined in celebrating the twenty-fifth anniversary of the foundation of the first historical seminary ever installed in any Belgian university, and in doing honor to the distinguished Professor Godeffroid Kurth of Liège, to whom the innovation was due. In commemoration of the occasion, the committee who had charge of the celebration have

printed in handsome form, with a portrait of the professor, a volume of 224 pages, *À Godefroid Kurth, Professeur à l'Université de Liège, à l'Occasion du XXV<sup>m</sup> Anniversaire de la Fondation de son Cours Pratique d'Histoire*, prepared by Professor Paul Fredericq of Ghent, formerly of Liège, as editor. The addresses delivered on November 20 are printed, and testify to the great respect in which M. Kurth is held. But the most interesting part of the volume is the portion (nearly two-thirds of the whole) in which the editor, with the aid of communications from the various conductors, describes the progress of the seminary method in Belgium, and narrates the development of each professor's practical courses. The four Belgian universities, at Liège, Ghent, Brussels and Louvain, have an unusual number of historical professors, and nearly all pursue this method, imported from Germany by M. Kurth in 1874. The American professor will find much to interest him, and many profitable suggestions, in these detailed descriptions of the various, and often quite individual, modes in which this pedagogical device is administered by their Belgian colleagues. Perhaps the interest will be the greater because the institution is, in Belgium, not richly endowed nor exhibited in its German perfection, but labors under some of the same disadvantages as in this country, bears the marks of recent origin, and is under the same necessity of making its way which is felt by those who in America endeavor to employ it.

*Die Reste der Germanen am Schwarzen Meere.* Eine ethnologische Untersuchung von Dr. Richard Loewe. (Halle, Max Niemeyer, 1896, pp. 257.)—After the treatises of Bruun, Kunik, Tomaschek, and Braun on the Goths in the Crimea, we have at last, in Dr. Loewe's book, a comprehensive account of *all* branches of the Goths and Herulians who migrated to the Black Sea and thence made incursions into Asia. The author begins with the Teutons of Asia Minor: the *Γούθοι* in Phrygia, who were probably Herulians (the Greeks calling all the Teutons of the Black Sea indiscriminately *Γούθοι*); the *Δαγοτθῆνοι* in Mysia, whose name he supposes to be a folk-etymological contamination of *Δάγουτα* and *Γούθοι*; and the Teutons of Galatia and Armenia, whom Peucer mentions. Proceeding to the Causasus, he discusses the single extant reference to the Eudusians, and takes up next the history of the Tetraxitic Goths in the Taman peninsula, who, according to him, were in reality Herulians. He defends effectively the hitherto discredited report of Mondorf, according to which the Tetraxitic (and Crimean) Gothic was spoken as late as the middle of the eighteenth century. As to the Goths of the Caspian Sea, he rightly holds that Friedrich Schlegel, who alone mentions them, must have misunderstood his source (probably Rubruk). Turning to the Goths of the Crimea, he traces their history from its beginnings to the absorption of the race by the Tartars at the close of the last century, and endeavors to prove by historical and linguistic evidence that they too were not Goths, but Herulians, with a West-Germanic dialect modified by long-continued contact with Gothic.



After discussing the physical characteristics and the manners and customs of the inhabitants, past and present, of Crimean "Gothia," Loewe treats in a final chapter of the *Gothi minores* in Moesia, arriving at the conclusion that they probably gave up their language and lost their identity in the course of the tenth century.

Loewe independently examines the material collected by his predecessors, showing much of it in an entirely new light, and augments it by important discoveries of his own: passages in the Silesian *Annals* of Cureus, in the Magdeburg *Annals* of Torquatus, in Peringskiöld's edition of Cochlæus's *Vita Theodorici*, etc. His book bespeaks thorough historical and philological scholarship and remarkable acumen; though it deals largely with mere possibilities, it rarely fails to be plausible, if not convincing. With its larger scope and its more exhaustive treatment it easily supersedes the previous works referred to.

HUGO K. SCHILLING.

The first *fasciculus* of Tom. XVIII. of the *Analecta Bollandiana* contains remarks on the author and the source of the Passion of Saints Gorgonius and Dorotheus, and on the life of St. Firmanus by Dietrich of Amorbach, and a considerable installment of the catalogue of the Greek hagiographical manuscripts of the Vatican. But that which most distinguishes this number, and also the second *fasciculus* (which is mainly devoted to it), is what they give us respecting the treatise on the miracles of St. Francis of Assisi written by Thomas a Celano. That beside his two lives of the saint he wrote also this tract on his miracles has long been known. But so important was it deemed in 1266, in view of the discords which had torn the Franciscan order, that the conciliatory narratives of St. Bonaventure should supersede all others, that at the general chapter held at Paris in that year it was ordained that the previous accounts should be destroyed. So rigidly was this carried out that all hope of recovering the treatise in question seemed futile. But at the sale of the library of the late Prince Baldassarre Boncompagni, in January 1898, Father Louis Antoine de Porrentruy, definitor-general of the Capuchins, acquired for the Franciscan museum of Marseilles a manuscript *Memorialis Gestorum et Virtutum Sancti Francisci* which, examined by the Bollandist writer, proved to contain the lost treatise of Thomas a Celano. His account of the matter and his critical introduction are printed in the former of the two numbers before us, while the latter contains the text of the treatise, which, it is needless to say, is a document of much importance for early Franciscan history.

*Selections from the Sources of English History*, B. C. 55 to A. D. 1832, arranged and edited by Charles W. Colby, Ph.D., Professor of History in McGill University (Longmans, pp. xxxvi, 325). Professor Colby's excellent little book contains 117 selections, which, when the original is not English, are presented in English translations. They are remarkably well chosen, and illustrate English history in varied ways. Some of

them set forth important or striking events: the coming of St. Augustine, the murder of Becket, the battle of Crecy, the voyage of Cabot or of the *Mayflower*, the massacre of Glencoe. A larger number illustrate more generally the characteristics of political and social life in each age. Taking the fifteenth century, for a sample of the book, we have the record, from Riley's Memorials of London, of the case of one who tried to escape from serving as alderman; a portion of the trial of Joan of Arc, from Quicherat; a proclamation of Richard, Duke of York, in 1452; several of the Paston letters, relating to the bargain for marriage between John Paston and Margery Brews; More's narrative of the murder of the princes in the Tower; the remarks of John of Trevisa and of Caxton respecting diversities of English speech; a description of the English and of English society out of one of the Venetian relations; and Soncino's account of John Cabot's first voyage. Narratives and descriptive pieces are used, as a rule, rather than documents; and as a whole the collection is an unusually interesting and even entertaining one. Unfailingly, every reviewer of a book of selections has his pieces that ought, by all means, to have gone in or out. While admitting that no two people would agree upon a list, the present reviewer would suggest that the imaginary speech of Galgacus in the *Agricola* can hardly be said to illustrate English history; that almost the same may be said of Alcuin's letter to Charlemagne here printed; that the chronicler's description of Domesday might well have been accompanied by a brief extract from the book; that the literary life of England under Elizabeth might have been better illustrated than by the bits from *Euphues*; that it is a pity to use General Townshend's letter for the capture of Quebec, or Warren Hastings's dry minute (pp. 265-268) rather than some extracts from the speeches at his trial; and that the last five pieces, for the years 1815 to 1832, are, with the exception of Macaulay's letter, inadequate to represent its most important characteristics. But the complexity of modern life is such that all such books seem least satisfactory in their later parts. The translations of passages with which we are familiar are good; but it is a pity to give boys Froissart in Johnes's Johnsonese, when they might have Lord Berners.

The book is prefaced by a long introduction on the use of original sources, and each piece by an explanatory paragraph. All these are well executed, and the introduction in particular is written in a sprightly and entertaining style. But the book has for its sub-title "A Supplement to Text-Books of English History," and we question whether this fluid essay and a good many of the explanatory paragraphs are not beyond the "sixth-form boy" at whom the author largely aims. Does not that young person need to have things set forth with more rigid method? But his teacher will read the introduction with enjoyment. It is true that Mr. Colby aims also at the general reader; but the general reader will probably continue to read things more general, preferring his Green or his Froude to collections of original pieces. As for the college student, at least the more advanced of such, we think he will be more benefitted by



books which, like those in Professor York Powell's series, present him with a body of extracts relating to a single episode, and therefore much more nearly approaching completeness; these not only interest him, but enable him to form judgments from first-hand materials.

*Essai de Restitution des plus anciens Mémoires de la Chambre des Comptes de Paris.* Par MM. Joseph Petit, Archiviste aux Archives Nationales, Gavrilovitch, Maury, et Teodoru, avec une Préface de Ch.-V. Langlois. [Université de Paris, Bibliothèque de la Faculté des Lettres, VII.] (Paris, Alcan, 1899, pp. xxii, 253.) It is well known that in the thirteenth and fourteenth centuries, in order to facilitate business in the midst of the rapid accumulation of documents incident to the development of administrative departments in European government, it was a common practice for officials to compile, from the records of their offices, various books of precedents and memorabilia for ready reference. These rather miscellaneous collections, of which the Red Book of the English Exchequer is a fair example, have no special importance where the original records have been preserved, but where, as is usually the case, the originals have disappeared, they are of the highest historical value. In the case of the French Chambre des Comptes, unfortunately, these early compilations and the series of official registers which began in 1320 were destroyed by fire in 1737, and the difficult task of reconstructing them from old inventories, scattered originals, and fragments copied by antiquaries, has only recently been seriously attempted. Three years ago, M. Langlois set the members of his seminary upon the problem of restoring the first six of these Memorials, and the results of their labors have just been published. After a preface by M. Langlois and an introduction by M. Petit, the body of the monograph is almost equally divided between a calendar of the Memorials and a publication of documents of special interest. The materials cover with more or less fullness the period from the early thirteenth century to 1333, and consist of royal ordinances, lists of tithes, vassals, and feudal dues, papal bulls, extracts from accounts, tables of weights and measures, etc. The work of collection, identification, and arrangement demanded much ingenuity and critical skill, as well as extensive research; and the volume is an interesting illustration of the excellent quality of the seminary work now done at Paris.

C. H. HASKINS.

The Navy Records Society has entered upon an important, though quite special, undertaking by publishing the first volume (pp. 431) of a collection of *Letters and Papers Relating to the First Dutch War, 1652-54*, edited by Dr. Samuel Rawson Gardiner, who thus gets an opportunity to present to the public the original evidences for certain chapters of the last published volume of his *History of the Commonwealth and Protectorate*. The documents thus far printed illustrate with remarkable completeness the portions of the contest to which they relate, and, as might have been expected from Dr. Gardiner, present the events as viewed from both sides of the Narrow Seas. They

are derived from the Public Record Office, the Dutch transcripts at the British Museum, the archives at the Hague, the Duke of Portland's papers, the Tanner papers at the Bodleian, etc. A certain number are reprinted from the *Commons Journals*, Aitzema, De Jonge, the *Hollandsche Mercurius*, or rare newspapers or pamphlets at the Museum. The Dutch texts are translated. The annotations, but for occasional modest disclaimers, would not be known to be those of a landsman.

The number of volumes to be printed is not at present announced. The first volume contains four main divisions, with an aggregate of 250 pieces. First come certain reminiscences of Richard Gibson, not, we should think, of as great importance as much of what follows, and not written down till 1702. Parts II., III. and IV. are entitled respectively The Approach of War, The Honour of the Flag (documents relating to the encounter between Blake and Tromp off Dover on May  $\frac{1}{2}$ , 1652), and The Northern Voyage (toward Shetland, by Blake and Tromp, in July). In each division the documents are arranged chronologically, though the divisions have been made to overlap a little in dates, in order to give more unity to the group bearing on each episode. To each division Dr. Gardiner has prefixed introductory remarks; to Part II., for instance, a fair statement of the causes of the war and a lucid description of the naval organization of the two powers. The introduction to the third part discusses the disputed questions as to how and by whose fault the fight off Dover began; an ingenious and probably successful attempt is made to reconcile the conflicting statements. In the other introduction the most interesting matter is a discussion caused partly by the theory which Mr. Corbett advanced in his *Drake and the Tudor Navy*, but in which other experts have been slow to agree, that Drake in one of the earlier fights with the Armada made use of the close-hauled line-ahead, the formation afterward so famous in British naval combats. Dr. Gardiner seems to show that no evidence that this tactical device existed in the repertory of Blake in 1652 can be found in the papers which have come under his notice. Of all the documents perhaps the most interesting is the last, a rescript in which Tromp goes over the whole ground of his conduct of the campaign from beginning to end, and presents to the States General his defence for each important decision taken.

Though the Royal Historical Society has absorbed the Camden Society, it continues for the present to issue some of its books, (presumably those which had been planned by the older society before the union), in the old familiar Camden Society form. In that shape appears the volume (Longmans, pp. 174) entitled *A Narrative of the Changes in the Ministry, 1765-1767*, edited for the Royal Historical Society by Miss Mary Bateson. It is made up of a series of letters written by the old Duke of Newcastle to his friend John White, M.P. for East Retford. But the letters are not purely casual; the duke appears to have had a definite intention of composing a continuous narrative. It is a narrative of small



politics. Great interests are at stake, among them the fate of a colonial empire; and here are a king and a large group of noblemen and ministers absorbed, like so many small local politicians, in petty intrigues about the possession of great offices and the distribution of little ones. There is a larger aspect of these movements, of course; but it is not in a narrative written by Newcastle that one would look for it. He makes it all seem pettier even than it was, and reveals his own narrowness and incompetence at every page. Yet upon the events with which he deals—the efforts of the King to get rid of Bedford and Grenville, the final organization of the Rockingham ministry, the exclusion of Newcastle from influence therein, the decisive opposition of Chatham to him, the formation of the ministry of Chatham and Grafton—upon all these things this eager busybody and experienced wire-puller has things to tell us which supplement with many interesting details the more important narratives of Cumberland, Bedford, Grenville, Yorke and Grafton.

Those who are acquainted with Mr. Justin McCarthy's admirable *History of Our Own Times* will expect a similar method, the same qualities of style, in his newer work, *The Story of the People of England in the Nineteenth Century*, ["The Story of the Nations"]. (New York, Putnams, two volumes, Part I., 1800-1835, pp. ix, 280). In this they will not be disappointed, though the smaller scale of the present work does not admit of equally ample treatment.

The nineteenth century as treated of in this work must be understood as beginning strictly with the end of the Napoleonic wars. The real story of Part I. is that of the first great reforms, and the first three chapters, "Arms and the Man," "England's Benevolent Despot," "In the Wake of the Peace," are mainly introductory. One must not expect to find even the ampler part a connected history of the time; it is rather a series of descriptions of the important movements and episodes. Indeed, the author declares it his purpose rather to draw something like pictures than to give a chronicle and a record—"to make the story of each great reform, political or social, a story complete in itself." Accordingly, statesmen and events are grouped with reference to their relation to important movements, or it may be the man, as for example Canning, is the core and centre of the narrative.

On the other hand one finds here many things that are not usually found in the histories. The author believes that "the true history of England during that long period of marvellous growth will be found to be the country's progress in education, in science, and in the conditions that tend to make life useful, healthful and happy." Not all of this implied promise has been redeemed in the first volume.

Few British writers on English history have been able to divorce themselves so completely from the strictly English point of view as Mr. McCarthy has done and yet lose nothing of that power that comes from a sympathetic knowledge of all that goes to make up the history and the life of the English people, their prejudices as well as their virtues. He

has his sympathies, indeed, (with the reformers always) but the other side is given a fair hearing.

Mr. McCarthy has the instincts of a dramatist. The book abounds in incident and story. Perhaps there has been sometimes a sacrifice of the essential, the vital, for the effervescent, the merely interesting. All this, however, seems excellently to light the pathway of history if only the reader possesses that knowledge of the outline of events which the author really takes for granted. Taken as supplementary reading the book has great historical value. There are thirty excellent illustrations, chiefly portraits—some, indeed, of persons of whom no word is spoken in the book.

A typographical error on page 207 gives the date of the battle of Waterloo as June 15th.

E. C. B.

*J. Chamberlain*, by Achille Viallate. (Paris, Félix Alcan, pp. 150.) M. Viallate's chief object in this sketch seems to be to bring out the ideas, ambitions and character of Mr. Chamberlain in such a way as to foreshadow his policy, should he be called, as M. Viallate seems to think will be the case, to direct the foreign policy of Great Britain. In the first chapter, M. Viallate gives a sketch of Mr. Chamberlain's work in municipal politics. There is, of course, nothing new in this section; but in the space of 18 pages, a bright account is given of the transformation of Birmingham, and the hold that Mr. Chamberlain obtained through his able administration of municipal affairs on the electors of the Midlands. He then gives Mr. Chamberlain's career in the House of Commons, and in the cabinet of Mr. Gladstone, as President of the Board of Trade, from 1880 to 1885, and his brief occupancy of the presidency of the Local Government Board in 1886, which was ended by his retirement from the cabinet on his rupture with Mr. Gladstone over the Home Rule question. The change from Liberal to Liberal Unionist, first in alliance with the Conservatives, and then in coalition, and as a member of Lord Salisbury's cabinet, is well described. M. Viallate does justice to Mr. Chamberlain as not having been deliberately inconsistent throughout these changes. He points out that, throughout his career, Mr. Chamberlain's first object has been the material well-being of the people of England, and that the apparent changes in his opinions have been largely caused by the proved insufficiency of his earlier panaceas to banish poverty and misery and bring about universal well-being. The municipal reforms in Birmingham, the social programme, with its items of allotments, small holdings, better homes for the working classes, compensation to working people injured in the course of their employment, old age pensions, a programme which through his energy and perseverance has been largely incorporated into English law, the later Imperialistic policy, and the insistence on the preservation of foreign markets for Great Britain, all had this aim in view. But the lack of higher principle, of the sense of truth and justice



for Great Britain as more essential to the preservation and happiness of the nation than markets and material well-being, threatens to lead to most serious trouble, if M. Viallate's estimate of Mr. Chamberlain's aims is correct, and if Mr. Chamberlain should have the opportunity of carrying out these aims. M. Viallate believes that the Fashoda trouble was deliberately created by Mr. Chamberlain, when the French had no intention of putting obstacles in the way of English ambitions. He thinks that Mr. Chamberlain was alarmed at seeing so many markets closing to British enterprise, and that he was determined to assert British supremacy on the seas. Fearing a possible coalition of European powers, he wished to seize on any excuse to crush one of these powers while it was still possible, and thus "to inspire anew the salutary fear of the English name" on the seas. That this scheme proved abortive was due to French forbearance and the refusal of Lord Salisbury to be stampeded into war.

A. G. P.

The newest parts of *neueste Geschichte* are often the hardest to get hold of, and therefore, though the plan be not all-comprehensive nor the execution perfect, we take pleasure in mentioning Mr. H. Whates's *The Politician's Handbook* (Westminster, Vacher and Sons, pp. 169) of which the initial issue, for the session of 1899, lies before us. There are two divisions, political and commercial, in each of which the articles are arranged alphabetically. The book is simply a digest of the British blue-books of the year—diplomatic correspondence, reports of royal commissions and of select committees, treaties, consular reports, etc. Attention is given mostly to those regions of the world in which Great Britain is involved in political and commercial struggle. Thus the inquirer will find no facts of history or news from Italy or Austria; but about Crete and Fashoda and Newfoundland he will find summaries of recent official reports.

*International Courts of Arbitration*, by Thomas Balch, 1874 (Philadelphia, Henry T. Coates and Co.).—This is in the main a reprint of an article in *The Law Magazine and Review* (London) for 1874. The author's son has re-issued it in view of present interest in the subject, but has added some material derived from his father's papers, especially an account of an interview with President Lincoln. The elder Mr. Balch claimed to have been the first to suggest such international tribunals as that which sat in the *Alabama* case.

*The Establishment of Spanish Rule in America. An Introduction to the History and Politics of Spanish America.* By Bernard Moses, Ph.D., Professor in the University of California. (Putnam's, pp. x, 328.)—Teachers of American history will find in this work of Professor Moses a long-needed help. That our elementary and advanced courses in colonial history should be brought into closer relation and comparison with the history of the non-English colonies has long been realized, but

the absence of suitable manuals of Spanish colonial history has hindered the attainment of this object. Professor Moses's book has been designed for this purpose and is admirably adapted for it. He has avoided the pitfall of excessive detail and the firmness and lucidity of his exposition of the machinery of administration in the colonies attest his first-hand knowledge of both Old and New Spain. There are chapters on the early history of Peru, Chile, Venezuela and Colombia, and the Rio de la Plata region. The great organs of administration, the Audiencia, the Viceroy and the Church are treated concretely as they appear in the history of Mexico, while the economic aspects of Spanish colonial policy are set forth first by an analysis of the work of the Casa de Contratacion and toward the end of the volume by a more general view of Spanish commercial policy. A suggestive comparison of Spanish and English colonization concludes the discussion.

One cannot help wishing that Professor Moses had gone a step further in rendering assistance to the teacher and advanced student in regard to the literature and sources of Spanish colonial history. Probably no one else in the country is better prepared to furnish such guidance, and it might very easily be added to the present volume in an appendix. As it is, the references are simply to the last names of the authors and to the bare titles of the books without the place or date of publication. Even with the conveniences of a large library I have found it by no means an easy task to find out these essential data, and a busy student can rightfully expect an author to save him from such a waste of time. This is the only serious defect in this otherwise excellent book. It is to be hoped that we shall not have to wait too long for the continuation of this study of Spanish colonial conditions, at which the author hints in his preface. In the meantime, the teacher with this book and Parkman's *Old Régime in Canada* will be able to lead students to a most instructive comparative study of Spanish, French and English colonies, and of the purposes and practice of the respective mother countries.

EDWARD G. BOURNE.

Dr. Wm. Seward Webb has caused to be set forth, in a beautifully printed little volume (pp. 144, edition of 250 copies) edited by Mr. Worthington C. Ford, an orderly book in his possession, *General Orders of 1757, issued by the Earl of Loudoun and Phineas Lyman in the Campaign against the French*. The manuscript belonged to some one in the regiment of General Phineas Lyman of Connecticut, an officer to whose high qualities Dr. Webb pays a deserved tribute. The orders cast no light on battles, none of which are mentioned in these pages. The details are the ordinary details of eighteenth-century camp life. Extending from May to November, 1757, when the Connecticut regiment returned from Fort Edward, where it had spent the whole summer, the orders exhibit with some interest the process of indoctrinating and maintaining ordinary discipline among provincial militia. The print follows with exactness, apparently, the peculiarities of the manuscript, of which



a page is given in photographic facsimile. It is to be regretted that it uses "ye" or "y" for "the." If printed in 1757, the record would have "the" everywhere; the sign for "th" is not a "y," either historically or in the shape generally given it in manuscript, *vide* the page of facsimile; a page studded with "ye" is abhorrent and unnecessarily hard to read; and half-educated persons are confirmed in their dreadful habit of pronouncing "the," when thus abbreviated, as if they were struggling with the unfamiliar second-person-plural pronoun.

In the series of *Johns Hopkins University Studies*, No. 4-5 of Series XVII. is a dissertation on *The History of the Know-Nothing Party in Maryland*, by Mr. Laurence F. Schmeckebier (pp. 125). The subject is an interesting one, not only on account of the phenomena which the movement manifested in all parts of the country alike, but also because of the peculiar position of Maryland, as the one state having a large native American Catholic element, and because of the peculiar addiction of Baltimore to secret societies, such as that out of which the Know-Nothing party arose. Mr. Schmeckebier has treated the matter with conscientious research and with ability, though rather as a succession of elections and political struggles reported by the newspapers than as a movement in public opinion. Special causes in Maryland were unusual aggressions of German radicals and of Catholics seeking public money for their schools. Yet so soon were the original principles of the "Americans" forgotten, that the second Know-Nothing legislature passed no anti-Catholic or anti-foreign legislation. It would have been interesting to have had the connection between the Know-Nothings and the Constitutional Union party more fully worked out. The dates (years) in the narrative are too few for clearness. The pamphlet is, like so many doctoral dissertations of the present time, very ill written, with frequent vulgarisms like "fake candidates," "could not help but," etc. The proof-reading is also defective; surely a university publication ought not to print the name of the well known candidate of 1856 and 1860, in every instance, Breckenbridge.

No. 6 is a brief paper (pp. 42) on *The Labadist Colony in Maryland*, by Bartlett B. James, Ph.D. That short-lived experiment has already been dealt with in Murphy's edition of the journal of Danckers and Sluyter, and in monographs printed by the historical societies of New Jersey, Delaware and Maryland. Dr. James, who is, we believe, a clergyman, treats with especial intelligence the Labadist system of doctrine and discipline. He has also a competent knowledge of the Dutch sources for the history and criticism of the sect, and his narrative is one of much interest, though quite brief. Those faults of proof-reading which we have mentioned in connection with Mr. Schmeckebier's dissertation are even more numerous in this; in the appended bibliography, of two pages and a half, we note sixteen misprints.

More interesting and important than either of these is No. 7-8, *Slavery in the State of North Carolina*, (pp. 111), by Professor John S. Bassett of

Trinity College in that state, a continuation of his previous studies on *Slavery and Servitude in the Colony of North Carolina* and on *Anti-Slavery Leaders of North Carolina*. No Southern historical monographs are, to our mind, more useful or more interesting than those essays of recent years, beginning with Dr. J. R. Brackett's *Negro in Maryland*, in which the attempt is made to set forth, from trustworthy original sources, the actual facts of slavery as a concrete institution. Among such attempts Professor Bassett's modest and judicious performance has an important place. Its spirit is admirable, and, though its style is sometimes inelegant, in other respects its workmanship is careful. It does not pretend to be final. Many more local contributions are necessary before the history of slavery in any state can be written in a form approaching permanence. But it is a great help to us all to have so good a pioneer essay. Mr. Bassett has made much use of the reports of judicial decisions, as well as of the laws, in his sections on the legal status of the slave and on free negroes and emancipation. Perhaps the most interesting sections are those on the religious and social position of the negroes in North Carolina. The leading peculiarities of slavery in that state seem to have arisen from its population being largely composed of middle-class farmers, slave-owners on a small scale if at all, and from the prominence of the Methodists, Baptists and Quakers. It appears plain that slavery was a milder institution in North Carolina than in Virginia or in South Carolina, and especially so before 1830. The best specimen of the negro race in the state, John Chavis, preacher and teacher, educated at Princeton by President Witherspoon, was received as a social equal by the best people of his neighborhood; we doubt if this would have been true in either of the adjoining states. The extent of local diversities in the South has till lately received too little attention in studies of slavery. Mr. Bassett shows a great increase of harshness in the laws after 1830 and 1831.

*The Beacon Biographies*, edited by M. A. De Wolfe Howe. (Boston: Small, Maynard and Co.)—Series of brief biographies multiply, and it is not to be expected that an historical review should present elaborate notices of lives compressed within a hundred or so small pages, even though they be so interesting, and in the main so well executed according to their small scale, as those which thus far have appeared in this new series. A few words may be held to suffice. In the first place, the little books are very pretty, and each one contains a good photogravure of its subject. In each the narrative is preceded by a chronological summary of the events of the life, and followed by a brief select bibliography. The editor opens the series with an excellent little book on Phillips Brooks, written from the layman's point of view. Mr. James Barnes writes of David Farragut, in a popular style; Professor William P. Trent of Robert E. Lee, presenting the view of one who is an intense admirer of that noble man without greatly admiring the school of politics in whose cause he fought. Professor Edward Everett Hale, jr., writes brilliantly of James Russell Lowell; Mr. Norman Hapgood deals



with Daniel Webster. The books are pleasant reading, but by no means masterpieces. Their chief interest is that they present their subjects from the point of view of a generation younger than that which has hitherto written of these great men. It is understood that there will soon be added to the series books on Nathaniel Hawthorne, by Mrs. James T. Fields; on Aaron Burr, by Mr. Henry C. Merwin; on John Brown, by Mr. J. E. Chamberlain; on Thomas Paine, by Mr. Ellery Sedgwick; and on Frederic Douglass, by Mr. Charles W. Chesnutt.

Mr. James D. Richardson's *Compilation of the Messages and Papers of the Presidents, 1789-1897*, published by authority of Congress, is now completed by the issue of the tenth volume of 677 pages. Indeed, it is much more than completed, for more than half of the volume is mere padding, which has no proper place in the compilation and ought not to be here printed with government money. The first 121 pages contain presidential messages, proclamations and orders omitted, by defective plan or by accident, from the first nine volumes. The printing of these is of course proper, though it will always be an inconvenience that they are not in their rightful place, and there is no need of mingling among them several papers of heads of departments. The next hundred pages are occupied with President McKinley's messages, proclamations and executive orders relating to the recent Spanish War, and this also has a defense. But there is no sufficient excuse for swelling the index to more than four hundred pages, by thrusting into it "a large number of encyclopedic articles, intended to furnish the reader definitions of politico-historical words and phrases occurring in the papers of the Chief Magistrates, or to develop more fully questions or subjects to which only indirect reference is made or which are but briefly discussed by them"; still less "short accounts of several hundred battles in which the armies of the United States have been engaged" whether mentioned in presidential documents or not; still less "descriptions of all the States of the Union and of many foreign countries,"—all prepared by the editor's son. Of course Mr. Richardson had the consent of the Committee on Printing, but the result is a most extraordinary farrago, a large part of which has about as much relation to the purposes of an index as insertions from the Nautical Almanac would have to those of a prayer-book. Thus, for examples chosen at random, on page 400 one half (500 words) is a history of the battle of Hampton Roads, which accompanies and obscures the single reference "VI. 112"; a portion of the remainder consists of an account of the battle of Hanging Rock, which occurred nine years before the date at which Mr. Richardson's *Compilation* begins, and upon which there is of course no index-reference. Three-quarters of page 500 are devoted to otiose accounts of New France, New Hampshire, New Hope Church (battle of), and New Ireland; New France and New Ireland of course fall entirely outside the scope of these volumes, and are not referred to in them, nor is the battle of New Hope Church. Of page 600 nearly half consists of a poor account of

Spain. Was there any real public demand that Mr. Richardson should cause an unknown person to prepare an inferior politico-historical cyclopaedia and then cut it up and use it to dilute his index? It is unfortunate that so useful, and in the main well executed a series should have so lame a conclusion. The index itself, when one penetrates to the items, is not constructed according to modern methods.

The Massachusetts Historical Society still remains the most scholarly of our local historical organizations. The new volume of its *Proceedings*, Second Series, Vol. XII. (pp. 521), is marked everywhere by careful scholarship, and scholars everywhere will be grateful for some parts of its contents. Dr. S. A. Green, by supplementary bibliographical lists, raises to 556 the number of seventeenth-century American imprints in New England libraries listed by him and by Mr. Nathaniel Paine. Mr. S. F. McCleary gives an account of the history of the famous fund which Franklin left to the town of Boston. Mr. James Schouler, in a paper on the Cuban situation in 1825, controverts Senator Lodge's statement that at that time the Government of the United States, acting in the interest of slavery, prevented the revolutionizing of Cuba and its acquisition of independence. An elaborate letter of John Quincy Adams on the Graves-Cilley duel is printed. The rest of the contents are not of great importance. Fully one-fourth of the volume is occupied with the commemoration of ten deceased members, seven of whom had little connection with historical work. The volume, at various places, betrays a gratifying uneasiness lest the society fail to occupy itself with tasks commensurate with the collective scholarship of its members. Its president's project of a monumental edition of the journals of Bradford and Winthrop was unfortunately defeated. But there are signs that the society is turning towards much-needed work in fields later than the Revolution; and Mr. T. Jefferson Coolidge's munificent gift of more than three thousand Jefferson papers will surely aid this tendency. The establishment of a special Historical Manuscripts Committee we have already mentioned.

The Alabama Historical Society, lately reorganized, has published the second volume of its *Transactions* (Tuscaloosa, pp. 204, to be obtained of the secretary, Thomas M. Owen, Esq., of Carrollton), the first since the reorganization. It makes a creditable and interesting beginning. The contents are of considerable variety. There are articles in the military, educational, religious, biographical and economic history of the state and territory of Alabama, and the secretary, Mr. Owen, who edits the volume, has supplied each contribution with many useful footnotes, biographical and other. Mr. Owen, who is chairman of the Alabama History Commission recently constituted by the General Assembly for the purpose of thorough examination and report upon the materials for the history of the state, also contributes an article on the work of William Henry Fowler as the state's superintendent of army records, from 1863 to 1865. A long and valuable document is the series of to-



pographical notes and observations set down in journal form by Major Howell Tatum, U. S. A., in 1814, when he accompanied General Jackson, as topographical engineer of the Seventh District, in a voyage down the Alabama River, from Fort Jackson to Mobile. The journal, kept by Jackson's orders, is mostly filled with physical details, but it also pays attention to details of the "culture." Of other articles we should especially signalize the account of the genesis of the public school system of Alabama, 1854-1858, by Gen. W. F. Perry, the first state superintendent, and Mr. P. J. Hamilton's account of early roads of Alabama, Indian and white.

Vol. II. of the *Publications of the Mississippi Historical Society* (Oxford, Miss., pp. 243, Franklin L. Riley, secretary) contains a good amount of interesting matter. The first half-dozen pieces relate to Mississippi writers and literature, with admirable and all-too-brief remarks by Professor C. Alphonso Smith as a preface. In this section the best article is Professor Riley's paper on "Sir William Dunbar, the Pioneer Scientist of Mississippi" (1759-1810), in which a valuable and interesting life is well worked out from original materials obtained at Washington and elsewhere. Professor C. H. Brough's paper on the history of taxation in Mississippi, that of Mr. Alfred H. Stone on its early slave laws, and Mr. Thomas M. Owen's list of the judges and other officers of federal courts in Mississippi are also scientific in method. Mr. P. J. Hamilton's paper on the running of the south line of the territory is merely Ellicott's *Journal* over again. Some of the other articles (and the same is true of the Alabama volume just mentioned) have a good deal of that provincial rhetoric which our local historical societies always have to work off in their earlier years; but in both books the solid parts preponderate.

Dr. Douglas Brymner's *Report on Canadian Archives for 1898* (Ottawa, pp. xxx, 56, 597-680, 181-330) contains his calendar of the state papers for Upper and Lower Canada from 1824 to 1828, preceded as usual by certain groups of documents printed *in extenso*. In this volume there are three of these groups: one relating to the attack of Wolfe's troops on Montmorency, one to Galt's land-company in Upper Canada and Felton's in Lower Canada, and one to a dispute as to the naturalization of aliens, which has its connections with the history of the United States, since it arose out of the election to the Assembly of Upper Canada of Barnabas Bidwell, previously a prominent member of Congress from Massachusetts. Dr. Brymner reports the receipt by his archives of its transcripts of state papers from London extending to 1837 and from Paris to 1767; also the gift by M. René de Kerallain, of Quimper, France, of a collection of the correspondence of Bougainville.

Professor George M. Wrong, of the University of Toronto, has associated with himself, in the preparation of his *Review of Historical Publications relating to Canada for the Year 1898*, Mr. H. H. Langton, librarian of the university, and the volume (pp. 225) appears as "Uni-

versity of Toronto Studies, History, First Series, Vol. 3'', and is published by the librarian. The scope of the present collection is similar to that of previous issues. The editors have had the assistance of Mr. James Bain, jr., of the Public Library of Toronto, for books of Ontario history, of Dr. A. F. Chamberlain, of Clark University, for books relating to Canadian archaeology and ethnology, and of others; but it is evident that their own labors, in the preparation of so complete an account of Canadian historical publications, must have been large in amount. The reviews are in almost all cases serious and valuable. Mr. Harris's article, in the last volume of this REVIEW, on "The Outcome of the Cabot Quater-centenary," is reviewed in a temperate manner on pp. 37-45. It does not appear that the year 1898 was highly fruitful in Canadian history. The leading books mentioned are: the tenth volume of the late Mr. Kingsford's *History of Canada*, the Abbé Casgrain's *La Guerre du Canada, 1756-1760, Montcalm et Lévis*; Mr. Archer Martin's *The Hudson's Bay Company's Land Tenures*; Rev. R. G. MacBeth's *The Making of the Canadian West*; and some good books of local history, like M. Poirier's *Le Père Lefebvre et l'Acadie* and M. Roy's *Histoire de la Seigneurie de Lauzon*. Minor books and many articles in journals are noticed.



## NOTES AND NEWS

The Committee of Arrangements for the fifteenth annual meeting of the American Historical Association, at Boston and Cambridge, has laid out an interesting series of sessions. A committee of reception, of fifty members, headed by Governor Wolcott, will be formed. The Massachusetts Historical Society offers the use of its beautiful new building for such purposes as the Association may find convenient; and about thirty local societies will co-operate in the meetings. The six colleges in the vicinity of Boston—Harvard, Boston University, Boston College, Tufts, Wellesley and Radcliffe—join in the invitation.

The details of the programme are not yet settled, but it will be substantially as follows: The first session will be held on Wednesday morning, December 27, with an interesting programme; there will be no session that afternoon; on Wednesday evening the president's address will be the sole exercise. It will be followed by a reception on a large scale; still later there will be a "smoker" at the Colonial Club, Cambridge. On Thursday morning and evening there will be regular sessions; and on Thursday evening President Rhodes will receive. Friday will be Cambridge Day, with a morning session in Sanders Theatre, followed by a luncheon; an afternoon session and tea for ladies at Radcliffe College; and a general business meeting. On Thursday evening the annual meeting will conclude with a subscription dinner in Boston. Throughout the meetings members of the Old South Historical Society will be in attendance to act as guides to Old Boston; and in Cambridge members of the Harvard Historical Club and the Radcliffe History Club will show the two colleges. On Saturday, December 30, excursions will be arranged to Plymouth and to Wellesley College for such as are able to take part in them. Preliminary programmes will be sent out about November 1.

The Committee on the Winsor Prize, appointed by the American Historical Association, would be glad to consult with persons intending to compete. The committee is composed of the following gentlemen: Professor Frederick J. Turner, Madison, Wisconsin, chairman; Professor Charles M. Andrews, Bryn Mawr, Penn.; Professor E. P. Cheyney, University of Pennsylvania, Philadelphia, Penn.; Professor Herbert L. Osgood, Columbia University, New York City; and the Very Rev. Dr. Charles L. Wells, Dean of the Cathedral Church of New Orleans, La.

Hofrath Heinrich Ritter von Zeissberg, director of the Court Library at Vienna, died on May 27, nearly sixty years old. From 1863 to 1871 he was a professor of history at Lemberg, where he wrote his classical

treatise on the medieval historiography of Poland, and other works of Polish history. He was a professor at Innsbruck from 1871 to 1873, at Vienna from 1873 to 1896, when he became librarian. After writing much in Austrian history, he was charged by the Vienna Academy with the continuation of Vivenot's *Quellen zur Geschichte der deutschen Kaiserpolitik Oesterreichs während der französischen Revolutionskriege*, of which he published Vols. III., IV. and V. As the result, he was charged by the Archdukes Albrecht and Wilhelm with the preparation of the authorized biography of their father, the Archduke Charles. Of this book he left but two volumes (-1795) completed.

Dr. Daniel G. Brinton died at Atlantic City on July 31, aged 62. Eminent as a physician and as medical director of an army corps during a part of the Civil War, he won his chief fame as a student of American ethnology and linguistics. He was professor of ethnology and archaeology in the Academy of Natural Sciences at Philadelphia, and of American linguistics and archaeology in the University of Pennsylvania, to which before his death he presented a valuable collection of books in these subjects. He was the author of many books in his chosen field, among the most important being his *Myths of the New World*, *Aboriginal American Authors and their Productions*, *American Hero Myths*, *Maya Chronicles*, *Essays of an Americanist*, and his lectures on *The Religions of Primitive Peoples*. With a view to promote the knowledge of American linguistics, he published a *Library of Aboriginal American Literature*, eight volumes of texts, chiefly Central American. Dr. Brinton was a singularly genial and generous man.

Hon. Amos Perry, who for more than a quarter of a century had been the devoted and indefatigable secretary and librarian of the Rhode Island Historical Society and editor of its publications, died on August 10, within two days of the completion of his eighty-seventh year. Mr. Perry was U. S. consul at Tunis during the administration of Lincoln and a part of that of Johnson, and wrote a book on *Carthage and Tunis* which, in the days before the French occupation, was one of the leading works on the country.

Dr. Charles J. Stillé, formerly provost of the University of Pennsylvania, died at Atlantic City on August 11, in his eightieth year. He was a scholar of varied historical learning. In 1882 he published an esteemed volume of *Studies in Medieval History*, in 1891 his *Life and Times of John Dickinson*, and in 1893 *Major-General Anthony Wayne and the Pennsylvania Line in the Continental Army*.

Professors Ephraim Emerton and Charles Gross of Harvard University are to be absent in Europe during the present academic year. Professors C. H. Haskins of the University of Wisconsin and C. W. Colby of McGill University are to lecture at Cambridge in their places.

Mr. Justin S. Smith of Boston has been elected professor of modern European history at Dartmouth College, and Dr. W. C. Abbott of the University of Michigan associate professor.



Dr. Arthur C. Howland, formerly of the University of Pennsylvania, has been made professor of history in the Teachers' College in New York City; Rev. Lyman B. Hall in Oberlin College; Dr. Simon J. McLean in the University of Arkansas.

Miss Lucy Salmon, professor in Vassar College, continues her absence from this country during the present academic year. Mr. Theodore Clarke Smith continues to take her place at Vassar.

Dr. Frederic W. Sanders, professor of European history in West Virginia University, has been elected president of the New Mexico College of Agriculture and the Mechanic Arts. Miss L. C. Daniells, late of the Lewis Institute, Chicago, has been chosen professor of European history in his place.

Dr. Henry C. Stanclift, formerly acting professor of the history of Continental Europe at Northwestern University, has been elected professor of history and political science in Cornell College, Iowa.

Under the title *Annales Internationales d'Histoire*, the committee of the International Congress of History held at the Hague in September, 1898, has begun the publication of its papers. The form chosen is that of quarterly installments. The first part (pp. civ.) consists mainly of the formal reports of the proceedings of the general sessions and those of the individual sections, and contains little matter that is of much interest to historical students, except the reports, by various delegates, on the historical publications heretofore issued by the departments of foreign affairs in their respective countries. Of these the report on the publications of the Russian archives of foreign affairs is the most detailed, and probably to American readers the most instructive. The Congress appointed a committee to prepare a plan for the systematic publication of the unpublished documents contained in the foreign offices of the different countries; this committee, we understand, is about to propose such a plan to the various governments.

An international congress of those interested in the history of religions is to take place at Paris on September 3-9, 1900. Professors Jean Reville and Léon Marillier of the Sorbonne may be addressed by inquirers or those desiring to participate. The invitations issued in the name of the Société d'Histoire Diplomatique for a general historical congress at Paris in 1900 have, it is said, been disowned by that society.

Three sheets compose Part XXII. of Dr. R. L. Poole's *Historical Atlas of Modern Europe* (Clarendon Press). The first two comprise four maps of Central Europe, showing the changes effected between 1795 and 1810, with a lucid summary of these changes, in the letter-press by Mr. H. A. L. Fisher; the third, edited by Mr. E. W. Brooks, shows the four Eastern patriarchates and their metropolitan, autocephalous and ordinary sees, as they were about A. D. 750. A small inset map exhibits the divisions of the patriarchate of Constantinople in 911. Part XXIII. contains a map of Germany during the Reformation and the

Thirty Years' War in two sheets, by Rev. J. P. Whitney, and a map of Western Asia under the Turks and Persians A. D. 1600, by Dr. Stanley Lane-Poole.

We are informed that Dr. Luka Jelic of Zara, Dalmatia, has discovered in the Library of the Vatican a very ancient copy of the maps of Ptolemy, hitherto believed to be irrecoverably lost; and has proved that many of the details shown upon it, and upon the printed "Ptolemies" of the fifteenth and succeeding centuries, exhibit to us the still earlier labors of Marinus Tyrius, of Hipparchus, and even of Eratosthenes. This subject is treated by Dr. Hugo Berger of Leipzig in the *Berichte* of the Royal Saxon Society of Sciences, Philol.-hist. Cl., for May,—*Die Grundlagen des Marinisch-Ptolemäischen Erdbildes*.

Upon the occasion of the meeting of the twelfth Congress of Orientalists, at Rome, October 1, the Società Editrice Dante Alighieri of that city proposes to issue, in a handsome and limited edition, an interesting volume entitled *Roma e l'Oriente nella Storia, nella Leggenda e nella Visione*, by Professor Angelo de Gubernatis. The successive chapters will treat of the relations of ancient Rome with each of the Eastern powers and nations, of the emperors who were Eastern in origin, of the Jews at Rome and the beginnings of Christianity there, of the relations of medieval Rome to the barbarians, the Saracens and the Crusades, of the influence of the East on the Italian Renaissance, and of the relations of the East to the Papacy and to modern Italy.

#### ANCIENT HISTORY.

Professor James A. Craig of the University of Michigan has published in Delitzsch and Haupt's *Assyriologische Bibliothek* (No. XIV.) a series of astrological-astronomical texts, copied from the original tablets in the British Museum and autographed (pp. 9 and 95 plates). No. XV., by Professor Ira M. Price of Chicago, contains the great cylinder-inscriptions A and B of Gudea, copied from the original clay cylinders of the Telloh collection at the Louvre—text and sign-list (111 pl.) The transliteration, translation, commentary and notes are to follow.

The Prussian Academy's *Inscriptiones Graecae Insularum Maris Aegaei* (Berlin, G. Reimer) advances to its second part, devoted to Lesbos and Tenedos.

The life of Alexander the Great, by Professor Benjamin Ide Wheeler, which has of late been running serially in the Century Magazine, will be published as a book by Messrs. G. P. Putnam's Sons, in the series of "Heroes of the Nations."

An extremely pleasing edition of an historical classic is the "Temple Plutarch," Sir Thomas North's racy translation of Plutarch's Lives, issued by J. M. Dent and Co. in ten very pretty volumes after the style of the "Temple Shakespeare" (but on paper too transparent).

The second part of the first volume of Professor Ettore Pais's *Storia di Roma* (Turin, Carlo Clausen, pp. xlvii, 746) contains his criticism



of the traditions from the fall of the Decemvirate to the intervention of Pyrrhus.

The third volume of M. J.-P. Waltzing's *Étude Historique sur les Corporations Professionnelles chez les Romains* (Louvain, Peeters, pp. 352) consists of a collection of the Greek and Latin inscriptions relating to the Roman corporations.

The sixth volume of M. d'Arbois de Jubainville's *Cours de Littérature Celtique* (Paris, Fontemoing, pp. 418) is devoted to a consideration of the civilization of the Gauls of the last three centuries before the Christian era and of the Irish as depicted in their oldest epic literature, and to a comparison of these with the civilization of the Homeric age. Whatever may be said of the main thesis, the book is one of great interest and suggestiveness.

Noteworthy articles in periodicals: V. Marx, *Die Stellung der Frauen in Babylonien gemäss den Kontrakten aus der Zeit von Nebukad-nesar bis Darius* (Beiträge zur Assyriologie, IV. 1); P. Gardner, *Greek History and Greek Monuments* (Atlantic, August); E. Revillout, *Hérodote et les Oracles Égyptiens* (Revue des Questions Historiques, July); B. I. Wheeler, *Alexander's Invasion of India* (Century, September); C. Wachsmuth, *Das Königtum der hellenistischen Zeit, insbesondere das von Pergamon* (Historische Vierteljahrschrift, II. 3); *The Fall of the Roman Empire* (Edinburgh Review, July).

#### EARLY CHURCH HISTORY.

In the *Deutsche Zeitschrift für Kirchenrecht*, IX. 1, Dr. G. Bocher presents a bibliography of the literature upon ecclesiastical history which appeared during the last half of the year 1898.

The French School at Athens proposes to publish a *Corpus Inscriptionum Graecarum Christianarum*, arranged in the form now usual in such publications, with an extended introduction which will contain virtually a history of Byzantine epigraphy. M. Laurent will edit the inscriptions of Europe and Africa, M. Frantz Cumont those of Asia. It is intended that each text shall be, as far as possible, collated with its original.

Rev. P. H. Casey, professor of dogmatic theology in Woodstock College, has published *Notes on a "History of Auricular Confession"* (Philadelphia, J. J. McVey, pp. 118), a criticism, from a Catholic point of view, of Mr. Henry C. Lea's well-known work.

Noteworthy articles in periodicals: E. Zeller, *Zur Vorgeschichte des Christenthums; Essener und Orphiker* (Zeitschrift für wissenschaftliche Theologie, XLII. 2); D. J. McKinnon, *The Census of Quirinius* (Catholic University Bulletin, July); F. A. Christie, *The Influence of the Social Question on the Genesis of Christianity* (New World, June); F. Bacchus, *The Succession of the Early Roman Bishops* (Dublin Review, April); *The Creeds at the Council of Chalcedon* (Church Quarterly Review, April).

MEDIEVAL HISTORY.

Dr. Adriano Cappelli, sub-archivist of the archives of state at Milan, has published a book of reference in which our medievalists will find advantage, it being much ampler than similar northern manuals, *Dizionario di Abbreviature Latine ed Italiane, usate nelle Carte e Codici specialmente nel Medio-Evo* (Milan, Ulrico Hoepli, pp. lxii, 435).

The Bollandist fathers have issued the second *fasciculus* of the *Bibliotheca Hagiographica Latina Antiquae et Mediae Aetatis*, previously described in these pages. This number (pp. 225-464) extends from Caedmon to Franciscus. The third number is to be somewhat delayed in order to include more of the constantly augmenting literature relating to St. Francis of Assisi. Indeed, so large is the increase in their material that the editors, instead of a volume of 900 or 1000 pages, now announce more than 1200 pages, to be divided into two volumes.

By the munificence of Lady Meux, Dr. E. A. Wallace Budge, of the British Museum, has been enabled to print a splendid volume with 125 colored plates, entitled *Lady Meux Manuscript No. 1; The Lives of Mâba' Seyôn and Gabra Krestôs* (London, W. Griggs, pp. lxxxiii, 144, 65), intended chiefly to illustrate the history and artistic qualities of the illustrations in Ethiopic manuscripts. The Ethiopic text of the two saints' lives, in themselves not remarkable, is presented with an English translation; this is followed by a treatise on the illuminations of Ethiopic manuscripts, with colored reproductions of those in the manuscript possessed by Lady Meux and black and white reproductions of thirty-two others derived from the codices owned by the British Museum. Dr. Budge has lately published (London, Henry Frowde, pp. 601) the Ethiopic text of the apocryphal acts called *The Contendings of the Apostles*, of which Mr. S. C. Malan printed an English translation in 1871.

In *Le Schisme Oriental au XI<sup>e</sup> Siècle* (Paris, Leroux) M. L. Bréhier studies especially the career of the patriarch Michael Cerularius, and the political and other conditions of the Byzantine Empire of his time which made it possible for him to effect a permanent breach between the Eastern and Western churches.

Brother Benedikt Maria Reichert has published the first volume of the *Acta Capitulorum Generalium* in the collection of *Monumenta Ordinis Fratrum Praedicatorum Historica* (Rome, in domo generalitia, pp. 326). It covers the years 1220-1303.

The eighth volume of the edition of St. Bonaventure which is being prepared, with critical fidelity and scholarship, by the Franciscan fathers of the College of St. Bonaventure at Quaracchi, *Doctoris Seraphici S. Bonaventurae Opera Omnia*, VIII. (pp. cxxiv, 758) is of especial importance for the history of the Franciscan movement during its first half-century; for it contains the saint's *Legenda Major* and *Legenda Minor* of St. Francis, the Constitutions of Narbonne (1260), and many opus-  
cules valuable as sources of knowledge.



The French schools at Athens and Rome have begun in their joint *Bibliothèque* (2d series, XIV. 1) the issue of a collection of the bulls of Pope Nicholas III., (1277-1280), *Registres de Nicolas III., Recueil des Bulles de ce Pape*, edited from the original manuscript of the Vatican by J. Gay, Part I., (Paris, Fontemoing, pp. 112).

M. Joseph de Loye, archivist of the department of the Basses-Pyrénées, has published as Fasc. 80 of the *Bibliothèque des Écoles Françaises d'Athènes et de Rome* a descriptive inventory of an important section of the Vatican archives, *Archives de la Chambre Apostolique au XIV<sup>e</sup> Siècle*, chiefly financial accounts,—Introitus et Exitus, Collectoriae, Obligationes, and Regesta Avinionensia.

Noteworthy articles in periodicals: P. Fournier, *De l'Influence de la Collection Irlandaise sur la Formation des Collections Canoniques* (Nouvelle Revue Historique de Droit, XXIII. 1); W. Stieda, *Die städtischen Finanzen im Mittelalter und ihre Verwaltung* (Jahrbücher für Nationalökonomie und Statistik, XVII. 1); G. Hönnicke, *Der Hospitalorden in der zweiten Hälfte des XII. Jahrhunderts* (Zeitschrift für wissenschaftliche Theologie, XLII. 1); E. Müntz, *L'Argent et le Luxe à la Cour Pontificale d'Avignon* (Revue des Questions Historiques, July).

#### MODERN EUROPEAN HISTORY.

The *Revue d'Histoire Moderne et Contemporaine*, the new journal to be issued by the house of Alphonse Picard et Fils, will be especially devoted to the history of France. Besides body-articles and reviews of books, it will have an annual bibliography of books and articles published in all countries on the modern history of France. The *Revue* will be published every other month. Its price, to subscribers in foreign countries, will be twenty francs.

Mr. Henry Harris has sent us *The Dieppe World Maps, 1541-1553*, (pp. 13), reprinted from the *Göttingische Gelehrte Anzeigen*, in which he bitterly assails Mr. C. H. Coote's editing, in No. 4 of the *Bibliotheca Lindesiana*, of the three mappemondes referred to.

The Roman Institute of the Görres Gesellschaft issues during the year 1899 the first volume of its *Collectio Tridentina*, containing the journal of Massarelli, secretary of the council. The second volume of the journal, which will follow immediately, will perhaps be accompanied by the first volume of the acts of the council. In its series of reports of nuncios the society has just published those of Ottavio Mirto Frangipani from Cologne, 1587-1590, edited by Dr. Stephan Ehse (Paderborn, F. Schöningh, pp. lxi, 544). Meanwhile the Prussian Institute, of the nuncios of its section, has published the reports of Verallo, 1546-1547 (Gotha, F. A. Perthes, pp. lvi, 736).

Baron Alberto Lumbroso's *Correspondance de Joachim Murat* (Turin, Roux Frassati and Co.; Paris, Picard, pp. 512), containing letters from 1791 to 1808, will shortly be followed by a biography of Murat with which the author has long been occupied.

Professor H. Ulmann of Greifswald describes from documentary materials *Russisch-Preussische Politik unter Alexander I. und Friedrich Wilhelm III. bis 1806* (Leipzig, Duncker und Humblot, pp. 318).

Captain F. von Ortrov has done a useful work for the student of recent diplomatic history by gathering together into one volume all the treaties and diplomatic acts relating to the partition of Africa, as at present accomplished, *Conventions Internationales définissant les Limites actuelles des Possessions, Protectorats et Sphères d'Influence en Afrique* (Paris, Félix Alcan).

Messrs. G. P. Putnam's Sons are publishing this autumn a work by Charles Neufeld, entitled *A Prisoner of the Khaleefa; Twelve Years' Captivity at Omdurman*. Mr. Neufeld set out from Cairo in 1887 on a trading expedition to Kordofan, but was betrayed into the hands of the Dervishes. He gives a vivid account of his life in prison, of his fellow-prisoners, of his attempts to escape, of the Khalifa's government, and of the state of affairs in Omdurman while Kitchener's expedition was making its way up the Nile and during the battle which followed.

#### GREAT BRITAIN.

The British government has published the *Calendar of Close Rolls* for 1333-1337; a first volume (1284-1431, pp. xxxiv, 648) of *Inquisitions and Assessments relating to Feudal Aids*, with other analogous documents; Vol. XVIII. (1589-1590) of the *Acts of the Privy Council*; *Calendar of State Papers, Domestic*, May-September, 1672; *Calendar of Treasury Books and Papers*, 1731-1734.

The Macmillan Company announce a series of about seven volumes on the history of the Church of England, to be edited by the Very Rev. W. W. Stephens, Dean of Winchester. Rev. Dr. William Hunt will write the volume on the period anterior to the Norman Conquest. Later volumes will be written by the Dean of Winchester, Canon W. W. Capes, Dr. James Gairdner, Rev. W. H. Frere, Rev. W. H. Hutton, and Canon J. H. Overton.

Several new volumes of town records have lately been published: Miss Bateson's *Records of the Borough of Leicester*, 1103-1327, (London, Clay); *Selections from the Municipal Chronicles of the Borough of Abingdon*, 1555-1897, ed. B. Challoner (Abingdon, Hooke); a first volume of *Cardiff Records*, ed. J. H. Matthews, published by the corporation; and *Winchester Long Rolls*, 1653-1721, ed. C. W. Holgate (Winchester, Wells).

The next volume of the Harvard Historical Studies will be *The County Palatine of Durham; A Study in Constitutional History*, by Dr. Gaillard T. Lapsley.

Professor G. W. Prothero, lately of the University of Edinburgh, has in preparation a volume of *Select Statutes and other Documents bearing on the Constitutional History of England from A. D. 1307 to 1558*,



to be published by the Clarendon Press. The book is composed upon the same lines as the author's volume for the reigns of Elizabeth and James I., and bridges the interval between Bishop Stubbs's *Select Charters* and that book.

Mr. George Macaulay Trevelyan, whose *England in the Age of Wycliffe* is reviewed on a previous page, has in the press a collection of unpublished documents intended to form an appendix to that work. It is entitled *The Peasants' Rising and the Lollards*, and is edited by Mr. Trevelyan and Mr. Edgar Powell, author of a book on the rising of 1381.

In the *Bulletin* of the Royal Academy of Belgium (3d series, XXXII : 2, pp. 65-108) Professor Henri Pirenne has an instructive dissertation on the Flemish Hansa at London.

The Macmillan Company have published *State Trials, Political and Social*, in two volumes, edited by Mr. H. L. Stephen, of the Inner Temple. Meanwhile Callaghan and Co., of Chicago, have published, with explanatory notes, the trials of Mary Queen of Scots, Sir Walter Raleigh and Captain Kidd, condensed and copied from Hargrave and Howell.

A new volume in Professor York Powell's series, *History from Contemporary Writers*, is Mr. R. S. Rait's *Mary Queen of Scots*, composed after the same plan as the issues relating to English history. Of the Casket Letters, Mr. Rait has printed the Scottish versions.

Miss Cora L. Scofield of Wellesley College intends to issue this autumn a volume on the Star Chamber, the fruit of original studies in the sources at London.

The third volume of the *Clarke Papers*, edited for the Royal Historical Society by Mr. Charles H. Firth, is about to be issued, if not already issued at the time of publication of these pages.

Mr. C. H. Firth's *Scotland and the Protectorate*, published by the Scottish History Society, is a continuation of his *Scotland and the Commonwealth*, published by the same body in 1895, and contains letters and papers relating to the military government of Scotland from January 1654 to June 1659. The society has also published the first volume (1572-1697, pp. xxv, 604) of Mr. Ferguson's *Papers illustrating the History of the Scots Brigade in the Service of the United Netherlands*.

Vol. II. of Mr. Osmund Airy's admirable edition of Burnet's *History of My Own Time* (Clarendon Press) is announced as in the press.

Messrs. Harper and Brothers are the American publishers of *Selections from the Manuscripts of Lady Louisa Stuart* (pp. 310) youngest daughter of John, earl of Bute, the prime minister. She died in 1851, in her ninety-fourth year, and her recollections are of much interest. The volume is edited by Mr. James Home.

The latest addition to the series of "Builders of Greater Britain" (Longmans) is a volume on *Admiral Phillip; The Founding of New South Wales*, by Louis Becke and Walter Jeffery.

Mr. Francis Edwards, of 83 High Street, London, will publish a notable *Bibliography of Australasia and Polynesia*, prepared by Mr. Edward A. Petherick. More than thirty thousand titles will be given, titles of publications in all languages, and the greatest pains will be taken to secure convenience of arrangement and fulness of indexing.

Lady Betty Balfour, daughter of the late Lord Lytton, is bringing out a *History of Lord Lytton's Indian Administration, compiled from Letters and Official Papers*.

Noteworthy articles in periodicals: *Roman Britain* (Edinburgh Review, April); J. Davidson, *England and Her Colonies, 1783-1897* (Political Science Quarterly, June).

#### FRANCE.

In the *Compte-Rendu* of the Academy of the Moral and Political Sciences for May and June, M. E. Levasseur presents a further report upon systematic researches conducted in the departmental and communal archives, for materials on the history of industries and of the working-class in the period anterior to 1789.

The record-commission of the Department of the Marine has published an *État Sommaire des Archives de la Marine antérieures à la Révolution*, edited by D. Neuville, a guide or list of the greatest value to students of French naval history.

The Abbé Ulysse Chevalier, as a pious work of friendship toward the late Abbé Albanès, has brought out a second volume of the latter's *Gallia Christiana Novissima* (Valence, Imprimerie Valentinoise) for which he left notes abundant. The new volume contains an indispensable array of documents relating to the church and bishops of Marseilles. A third volume will also be published, containing the similar material relating to the church of Arles.

Dom Bède Plaine, in a book based on most careful investigations, *La Colonisation de l'Armorique par les Bretons Insulaires* (Paris, Alphonse Picard), concludes that that colonization took place in a peaceful manner, and about the year 400 A. D.

St. Maur, according to the life by Faustus and Odo (*Acta Sanctorum*, Jan. 15), settled in 543 at Glanfeuil, upon lands offered him by a noble named Florus, and there constructed various monastic buildings, and died and was buried. At the request of the present abbot, Father C. de la Croix, S. J., has recently made excavations upon the spot, which, following the indications given by Faustus and Odo, have resulted in the discovery of the outlines of the villa of Florus, a nymphaeum belonging to it, the chapels built by the saint, his habitation and his sarcophagus. Father de la Croix sends us *Fouilles Archéologiques de l'Abbaye de St. Maur de Glanfeuil* (Paris, Alphonse Picard, pp. 24, quarto) in which these excavations and discoveries are described, with plates illustrating them with great completeness.



M. Robert Parisot's *Le Royaume de Lorraine sous les Carolingiens* (Paris, Picard, pp. 800), a model book of provincial history, extends from the date of the treaty of Verdun, 843, to 923, when the authority of the German kings was definitely established. M. Parisot writes neither as French nor as German; his main thesis is that, contrary to the usual opinion, Lotharingia had as much vitality as either the eastern or the western kingdom, and but for an unusual combination of mischances might have endured many ages. The Academy of Inscriptions and Belles Lettres has bestowed its first *prix Gobert* on M. Parisot's work.

Colonel Borrelli de Serres, in a volume entitled *La Réunion des Provinces Septentrionales (Amiénois, Artois, Vermandois, Valois) à la Couronne par Philippe-Auguste* (Paris, Picard), re-examines the whole matter embraced within his scheme in the light of the evidence now attainable, especially that of charters, and corrects with great care the genealogical and other details heretofore accepted.

In the *Collection de Textes pour servir à l'Étude et à l'Enseignement de l'Histoire* M. Fr. Funck-Brentano has published a text of the *Chronique Artésienne*, 1294-1304, sometimes known by the name of Guy de Dampierre; he has also printed among his notes copious extracts from a chronicle of Tournay, which, though later, is of some importance for the period covered by his chief text. For the same series M. Salmon has undertaken a new edition of Beaumanoir's *Coutumes de Beauvaisis*, in two volumes. The first has appeared (Picard); the second will contain the critical preface.

In the *Annuaire-Bulletin* of the Société de l'Histoire de France for 1899 M. Jules Viard presents the results of an examination of more than six hundred "lettres d'état" of Philippe de Valois, with a list of the documents themselves, often of considerable historical interest.

In Vol. 36 of the *Notices et Extraits* M. Paul Meyer brings forward a large amount of matter interesting to the history of medieval civilization in the south of France, from the journal of Ugo Teralh, cloth-merchant of Forcalquier, 1330-1332. The book, badly mutilated and fragmentary, is one in which the buyers have set down in their own handwriting, sometimes in Hebrew script, the details of their purchases and debts.

An analytical and critical list of the acts of Charles VII. is to be expected at the hands of the Marquis de Beaucourt.

The Marquis de Belleval has brought out the first volume, devoted to the reign of Francis II., of an interesting work called *Les Fils de Henri II.: La Cour, la Ville et la Société de leur Temps* (Paris, E. Lechevalier, pp. 680), in which he depicts court, clergy and nobles as they have depicted themselves in published writings, letters, inventories, etc.

The third volume of M. Paul de Félice's *Les Protestants d'Autrefois* (Paris, Fischbacher, pp. 397) treats, with the same minute fidelity which characterized his previous volumes, the organization of the Protestant

churches during the period from 1598 to 1685, and the mode in which, through institutions severe and oligarchical, their ecclesiastical business was conducted.

M. Berthold Zeller, before his death, had corrected the proof-sheets of still another volume devoted to the period of Marie de Médicis, which has now been published, *Louis XIII., Marie de Médicis, Richelieu Ministre.*

Under the title *Les Derniers Temps du Siège de la Rochelle* (Paris, Picard, pp. 144) M. E. Rodocanachi presents in Italian text with French translation the relation of the last five months of the siege (June–October, 1628) written by the papal nuncio, Guidi, archbishop of Patras. The document, preserved in the Barberini Library, is of capital importance, as the nuncio was constantly present during these months and describes in a straightforward and colorless manner what he saw. M. Rodocanachi adds some portions of the nuncio's correspondence, and a plan of Rochelle and the lines of investment, found at the Bibliothèque Nationale.

The French government has published the second and third volumes (1701–1793, pp. xl, 434, 498) of the Spanish section of its *Recueil des Instructions données aux Ambassadeurs et Ministres de la France*, edited by MM. A. Morel-Fatio and H. Léonardon.

M. Camille Rabaud, honorary president of the consistory of Castres, published in 1873 the first volume of an *Histoire du Protestantisme dans l'Albigeois et le Lauragais*, which extended to the fatal year 1685. Now, after a generation of researches in public, parochial and private sources of information, he publishes a valuable second volume (Paris, Fischbacher, pp. 642) extending from the Revocation to the present time, and exhibiting with fulness the life and the persecutions of the Huguenots.

Father A. Roussel, of the Oratory, with abundance of original documents and with much historical skill, has made out of the life of a "constitutional" bishop of Ille-et-Vilaine, Le Coz, an important contribution to the general subject of the ecclesiastical struggles under the Revolution and the Directory, and has justified the title *Un Évêque Assermenté* (Paris, Lethielleux, pp. 565) by the exposition of the typical nature of the facts with which he deals.

M. Léon Deschamps, author of an *Histoire de la Question Coloniale en France*, has now begun the publication of a valuable series of volumes on *Les Colonies pendant la Révolution*. The first (Paris, Perrin, pp. 346) is devoted to the dealings of the Constituent Assembly with colonial affairs; the author regards their labors in this department with more favor than has hitherto been usual.

Dr. G. Thomas de Closmadeuc, after minute researches in the original sources, especially in the papers of the military commissions which sat at Auray, Quiberon and Vannes, has published what may almost be regarded as a final account of the descent of the émigrés in 1795, *Quiberon*,



1795; *Émigrés et Chouans, Commissions Militaires, Interrogatoires et Jugements* (Paris, Société d'Éditions Littéraires, pp. 603). He dissipates the legend of the capitulation of Sombreuil. To him, however, Father Robert of the Oratory at Rennes replies in a considerable book entitled 1795; *Expédition des Émigrés à Quibéron; Le Comte d'Artois à l'Île d'Yeu* (Paris, Lamulle et Poisson, pp. 372).

Under the title *Bonaparte et les Bourbons* (Paris, Plon) Count Remacle has published, with introduction and notes, a series of the secret reports sent to Louis XVIII. in 1802 and 1803 by his agents at Paris.

Attractions both of subject and of treatment have brought almost immediately to a second edition Captain Émile Simon's *Le Capitaine La Tour d'Auvergne, Premier Grenadier de la République* (Paris, Charles-Lavauzelle, pp. 352).

Noteworthy articles in periodicals: Guilhiermoz, *Les deux Condamnations de Jean Sans-Terre par la Cour de Philippe-Auguste et l'Origine des Pairs de France* (Bibliothèque de l'École de Chartes, 1899, 1); A. Spont, *Marignan et l'Organisation Militaire sous François I<sup>er</sup>* (Revue des Questions Historiques, July); A. Tilley, *Some Pamphlets of the French Wars of Religion* (English Historical Review, July); X. Mossmann, *La France et l'Alsace après la Paix de Westphalie*, II. (Revue Historique, July); Le Téo, *Le Club Breton et les Origines des Jacobins* (La Révolution Française, May 14); Baron P. de Coubertin, *Modern History and Historians in France* (American Monthly Review of Reviews, July).

#### ITALY, SPAIN.

M. Léon-G. Pélissier reviews recent historical work in Italy, in the July number of the *Revue des Questions Historiques*.

The *Archivio della Reale Società Romana di Storia Patria*, XXII. fasc. I.-II., consists mostly of articles continued from previous issues: letters from the monastery of Saints Cosmas and Damianus in Mica Aurea, ed. P. Fedele; F. Pometti's studies on the pontificate of Clement XI.; and *regesta* of the monastery of St. Silvester in Capite, ed. V. Federici. There is also a critical account of the battle of the Garigliano, 915, by P. Fedele.

Father Fedele Savio, in his *Gli Antichi Vescovi d'Italia dalle Origini al 1300 descritti per Regioni*, has begun to do over again on a systematic plan the work which was done in the seventeenth century by Ughelli in his *Italia Sacra*; but he proposes to proceed modestly and tentatively, province by province, and makes a beginning with his own province of Piedmont. In his first volume (Turin, Bocca, pp. 625) he covers the episcopal lists of that province, and presents besides an interesting series of special dissertations.

In the *Nuovo Archivio Veneto*, XVII. 1, Professor Carlo Cipolla gives a general review of the publications of 1896 on medieval Italian history.



The historical congress commemorating the eleven-hundredth anniversary of the death of Paulus Diaconus was held at Cividale del Friuli on September 3-8. It is expected that at least a portion of the papers presented will be published in a memorial volume.

Mr. Paget Toynbee of Balliol College, Oxford, has just brought out (Clarendon Press) *A Dictionary of Proper Names and Notable Matters in the Works of Dante* (pp. 624), in which, with his well-known accuracy of scholarship, he has presented a vast amount of information largely historical in its character. Genealogical and chronological tables, in further illustration of Dante's numerous historical allusions, have been appended.

Professor Isidoro del Lungo follows up his last year's volume of essays on the age and poem of Dante by a book of studies of Florentine history in Dante's time called *Da Bonifazio VIII. ad Arrigo VII.* (Milan, Ulrico Hoepli, pp. 474).

*Figure e Figurine del Secolo che Muore*, by Raffaello Barbiera (Milan, Fratelli Treves) has had a great success in Italy. It belongs to the literature of gossip and scandal rather than to that of history, and yet it contains so much miscellaneous information about historical characters that it deserves mention here. Especially full is the account of Confalonieri and the Carbonari conspirators of 1821, of the Mazzinian conspirators of 1834 and 1844, and of the reign of the ballet dancers at Milan. Sig. Barbiera has ransacked the Austrian secret police archives, as well as most of the personal memoirs relating to life in Milan during this century.

*Temple Bar* for July contained an article by the Countess Evelyn Martinengo-Cesaresco, on Duke Sigismondo Castromediano, one of the Neapolitan Liberals of 1848, who was imprisoned for many years by King Bomba. He died recently, and bequeathed his memoirs to the city of Lecce, which has published them.

In an excellent little volume of a hundred pages, *Marzo 1848-Marzo 1849* (Novara, A. Merati), Professor Alfonso Professione commemorates the fiftieth anniversary of the battle of Novara by a narrative which includes, by way of introduction, the events of the preceding year. For his account of the battle he relies largely on a report made by the Duke of Genoa to General Chrzanowski, and on a report by Major Righini, chief of the general staff.

Signor A. Plebano has begun the publication of a *Storia della Finanza Italiana dalla Costituzione del Nuovo Regno alla Fine del sec. XIX.*, of which Vol. I. (Turin, Roux Frassati and Co., pp. 520) extends from 1861 to 1876.

A highly important contribution to the history of the early finances of Genoa, and of much more than merely local importance, is the treatise on *Genueser Finanzwesen mit besonderer Berücksichtigung der Casa di San Giorgio* which Professor Heinrich Sieveking has begun to publish,

after careful independent studies of the various archive material as well as of the abundant stores published in recent years by the Società Ligure di Storia Patria. The first volume (Freiburg, Herder, pp. 218) discusses the taxation, indebtedness and general finance of Genoa down to the foundation of the Bank of St. George.

Vols. XXI. and XXII. of the second series of the *Monumenta Historica Patriae* (Turin, Fratelli Bocca) consist of a *Codex Diplomaticus Cremonae*, edited with great care by Professor Lorenzo Astegiano, and extending from the earliest times (in which the documents are quoted *in extenso*) down to 1335. A first volume of such a cartulary had been printed in 1878 by the late Francesco Robolotti; but that edition was found to be so imperfect, and Signor Astegiano's tireless researches had brought to light so many new documents, that a new edition of the whole was resolved on. More than 3200 documents are printed or listed, so that abundant materials are provided for the history of the town from the eighth and ninth centuries to the extinction of its independence. The second volume also contains the editor's *Ricerche sulla Storia Civile del Comune di Cremona fino al 1334*, which was crowned by the Accademia dei Lincei in 1889.

Dr. A. Lisini, archivist at Siena, has published the first volume of an *Inventario del R. Archivio di Stato di Siena* (Siena, L. Lazzeri). The collection is an important one, the documents ranging in date from 736 down and numbering some fifty-five thousand parchments.

A large part of the last number we have received of the *Revista Critica de Historia y Literatura* (October–December, 1898) is devoted to a survey of the life and works of the distinguished historical writer, Don Marcos Jimenez de la Espada, who died in last October.

Noteworthy articles in periodicals: K. Zeumer, *Zur Geschichte der wisigothischen Gesetzgebung*, III. (*Neues Archiv*, XXIV. 2); G. Salvemini, *Le Consulte dei Consigli Fiorentini* (*Archivio Storico Italiano*, XXIII. 1); A. T. Mahan, *The Neapolitan Republicans and Nelson's Accusers* (*English Historical Review*, July); *Un Po' Più di Luce sulla Convenzione del 15 Settembre 1864* (*Nuova Antologia*, March 1).

#### GERMANY, AUSTRIA.

The directors of the *Monumenta Germaniae Historica* announce that they have in the press their fourth volume of Merovingian sources, comprising the works of Jonas of Bobbio, ed. Krusch; *Deutsche Chroniken*, Vol. III., ed. Strauch; *Leges Visigothorum*; and the index to Vol. II. of the *Necrologia Germaniae*. The printing of the Carolingian documents (–814, ed. Mühlbacher) will be begun before long. A fourteenth volume of the *Auctores Antiquissimi* is planned, to be entitled *Carmina Selecta Aetatis Romanae Extremae*, and to contain fragments of Mero-baudes and Dracontius and a variety of poems of historical interest emanating from the times of Vandal dominion in Spain and Africa. Professor Paul Kehr of Göttingen has undertaken the continuation of the *Liber*



*Pontificalis*, begun by Mommsen; Professor Michael Tangl of Berlin that of the Frankish and Lombard judicial documents begun by Hübner. In the "Handausgaben" a new edition of the *Vita Heinrici IV.*, ed. Eberhard, is issued, and one of the works of Hrotsvitha, ed. Winterfeld, is projected. Vol. II. of Hartmann's edition of the register of Pope Gregory I. (begun by the late Paul Ewald) is now completed.

Professor F. von Thudichum's suggestion (1892) of a general historical map of Germany on a scale of 1:100,000 now wins general approval. Most of the historical commissions of the various states have signified a willingness to co-operate. Detailed indications respecting the project may be seen in *Erläuterungen zur historisch-statistischen Grundkarte für Deutschland* (Leipzig, B. G. Teubner, pp. 16) by H. Ermisch, issued by the Saxon Commission.

*Translations and Reprints*, VI. 3, of the University of Pennsylvania is entitled *The Early Germans*. Of its 36 pages, 23 are from Church and Brodribb's Tacitus. The pieces which follow, from Josephus and Ammian, can hardly be thought adequate, for so large a subject.

The Gutenberg festival at Mainz is fixed for June 24, 1900.

The Bavarian Academy of Sciences plans a publication of the correspondence of the South German humanists (-1550), and has sent out circulars requesting the co-operation of librarians in whose custody such letters may be found.

Paulus's *Johann Tetzel, der Ablassprediger* (Mainz, Kirchheim, pp. 187) is to be recommended as a monograph of admirable quality, by reason both of the author's command of the sources and of his critical acumen.

The Hansische Geschichtsverein expects shortly to bring out the second volume (1572-1592) of the *Kölner Inventare*, ed. K. Höhlbaum, and a *Geschichte und Akten der Bergensfahrer in Lübeck*, ed. F. Burns, forming the second volume of the new series of *Hansische Geschichtsquellen* and following closely the lines of F. Siewert's *Geschichte und Urkunden der Rigafahrer in Lübeck im 16. und 17. Jahrhundert*, recently published by the society.

In the "Bibliothek deutscher Geschichte," which appears in parts, the first volume of Professor K. Th. Heigel's *Deutsche Geschichte vom Tode Friedrichs des Grossen bis zur Auflösung des alten Reiches* is now completed (Stuttgart, Cotta, pp. 574). It extends to the first campaign in France (1786-1792).

In two articles in the *Deutsche Rundschau*, for April and May, Professor Erich Marcks presents an excellent general and critical review of Bismarck's memoirs and of the Bismarck literature of the past year. Dr. Max Lenz follows up the same subject in the same journal for June, Professor Hans Delbrück in the *Preussische Jahrbücher* for June.

It is proposed to establish at Stendal in the Altmark a Bismarck Ar-



chive, for the reception of documents and books relating to Bismarck's career, and for a museum of portraits, medals and other objects of personal interest. An adequate building and endowment are sought by a committee, of which Oberbürgermeister Werner is the head.

Upon occasion of the seventieth year of the life of King Albert of Saxony and the twenty-fifth year of his reign, Dr. Paul Hassel, director of the royal archives, was charged with the preparation of an official biography of the King, considered in relation to the history of his times. Of this work the first part, relating to the years from 1828 to 1854 (when King John came to the throne) and to the history of Saxony during that time, has now been published, *König Albrecht von Sachsen* (Berlin, E. S. Mittler und Sohn).

*Erinnerungen aus dem Leben des Generaladjutanten Kaiser Wilhelm's I. Hermann von Boyen*, published by Boyen's son-in-law Wolf von Tümpeling (Berlin, E. S. Mittler und Sohn, pp. 244) owes its importance and interest, which are considerable, to the fact that Boyen was for thirty-one years (1848-1879) constantly in the personal service of the King and Emperor. A keen observer and a good narrator, he has much to say of the beginnings of the regency, of wars, negotiations and personalities during the eventful years named.

Two interesting contributions to a knowledge of the life of Gregorovius have been published by Paetel in Berlin: a series of his letters to the Countess Ersilia Caetani Lovatelli, edited by Sigmund Münz, and another, of letters to the Secretary of State Hermann von Thile, edited by Hermann von Petersdorff.

The important position which has been held in the trade of the Levant by the thaler of Maria Theresa is well known. Even so late as in the years 1892-1897 inclusive, it appears, twenty-three millions of them were struck, all with the date 1780. The history of this coin and of its vogue in Turkey and in Oriental and African lands has been elaborately worked out by Herr C. Peetz and Dr. J. Raudnitz, *Geschichte des Maria Theresienthalers* (Vienna, Gräfer).

Dr. Luckwaldt's important *Oesterreich und die Anfänge des Befreiungskrieges von 1813* (Berlin, Ebering, pp. 407), confirms the usual view of Metternich's policy during that momentous crisis, but is adapted to heighten the general impression of the high-minded patriotism of Count Stadion.

Vol. I. of Professor Adolf Bachmann's *Geschichte Böhmens* (Gotha, F. A. Perthes, pp. 911), in the Heeren and Ukert series, extends to the year 1400.

Noteworthy articles in periodicals: W. Schücking, *Ueber die Entstehungszeit und Einheitlichkeit der Lex Saxonum* (Neues Archiv, XXIV, 2); B. von Simson, *Die wiederaufgefundene Vorlage der Annales Mettenses* (Neues Archiv, XXIV, 2); W. Sickel, *Die Kaiserwahl Karl's des Grossen* (Mittheilungen des Instituts für österreichische Geschichtsforschung,

XX. 1); H. Witte, *Über die Abstammung der Hohenzollern* (Historische Zeitschrift, LXXXIII. 2).

#### NETHERLANDS AND BELGIUM.

The *Bijdragen voor Vaderlandsche Geschiedenis en Oudheidkunde*, the oldest of the Dutch historical journals, began this summer a fourth series, under the editorship of Professors P. J. Blok and P. L. Muller of Leyden. Hereafter each number will contain reviews of books and articles on the history of the Netherlands.

Professor Paul Fredericq of Ghent has well under way the third volume of his *Geschiedenis der Inquisitie in de Nederlanden*, which will stop at the reorganization effected by Charles V.; and also the third volume of his *Corpus Documentorum Inquisitionis Haereticæ Pravitatis Neerlandicæ*, which will contain pieces of the sixteenth century relative to the first persecutions of the Protestants.

In the *Bijdragen en Mededeelingen* of the Historical Society of Utrecht Mr. G. W. Kernkamp prints a number of papers relating to the Noord-Compagnie, ranging in date from 1615 to 1628.

The new Belgian historical journal, *Archives Belges*, will be published at Liège (Rue Hemricourt 14), under the care of Professor A. Delescluze as managing editor.

#### NORTHERN AND EASTERN EUROPE.

The work on the Helgi poems in the Elder Edda, their home and connections, by Professor Sophus Bugge of Christiania, has been translated from the Norwegian by an American scholar, Mr. W. H. Schofield, and published by David Nutt of London under the title *The Home of the Eddic Poems, with especial reference to the Helgi Lays*.

The University of Upsala issues, in the annual of its philosophic department, Dr. P. Girgensohn's *Skandinavische Politik der Hansa 1375-1395* (pp. 200).

Perhaps no more important brief general work on Russian history has lately appeared in Germany than *Drei Jahrhunderte Russischer Geschichte: Überblick der Geschichte Russlands seit Thronbesteigung der Romanow bis jetzt, 1598-1898*, by Professor Arthur Kleinschmidt of Heidelberg (Berlin, Johannes Råde).

A series of *Fontes Rerum Polonicarum* for school use has been begun at Lemberg (Gubrynowicz and Schmidt) with an edition of *Galli Anonymi Chronicon*, by Finkel and Ketrzynski.

In a volume entitled *Lasciana nebst den ältesten evangelischen Synodalprotokollen Polens 1555-61* (Berlin, Reuther und Reichard, pp. xvi, 575), Dr. Hermann Dalton has supplemented his work on Johannes à Lasco published in 1881 by new material, which falls in three divisions. The first contains pieces mostly theological; the second, 108 letters of Lasco, collected with great industry from a wide variety of repositories; the third, the synodal records alluded to in the title.



The memoirs of the King of Rumania, *Aufzeichnungen eines Augenzeugen*, have been translated into English in an abridged form (one volume, pp. 367), and are published by Messrs. Harper and Brothers, with an introduction by Mr. Sidney Whitman.

An important contribution to Rumanian history is made by the recent publication of the *Mémoires* of Prince Nicolas Soutzo, 1798-1871, grand logothete of Moldavia. They are edited by Mr. Panaïoti Rizos, and published at Vienna (Gerold, pp. 434).

The Cretan war of 1667-1669 is the subject of No. 26 of the monographs in military history published by the Prussian General Staff. It has been written with great care and skill by Colonel Bigge.

#### AMERICA.

*The Commerce Clause of the Federal Constitution*, by E. P. Prentice and G. Egan (Chicago, Callaghan) is in large part historical, discussing the development of the interpretation of that clause by the courts, and other historical aspects of the provision involved.

*Centralized Administration of Liquor Laws in the American Commonwealths* (Columbia University "Studies," X. 3), by Mr. C. M. L. Sites, is partly historical in its character. The chapters relate respectively to excise revenue administration, restrictive license administration, repressive police administration, commercial administration and judicial administration, and each begins with a historical sketch of the development of that mode of administration in the various states. (Macmillan, pp. 162.)

The Macmillan Co. publish, early this autumn, a volume of *Select Charters and other Documents illustrative of American History*, 1606-1775, by Professor William MacDonald of Bowdoin College, similar in plan to his *Select Documents illustrative of the History of the United States*, 1776-1861.

Mr. Thwaites's edition of the *Jesuit Relations*, to which we shall recur in a later issue, has reached Vols. XLIX. and L., which are mainly occupied with narratives from François le Mercier, written at Quebec in 1665, 1666 and 1667.

The "American Architect and Building News" Company has issued a portfolio of plates, prepared by various architects, entitled *The Georgian Period*, and containing measured drawings, details, picturesque sketches and photographic reproductions of colonial work in New Hampshire, Massachusetts, New York, Pennsylvania, Maryland and South Carolina. The selection and the execution are such as to make the book a delight to students of early American art.

The Werner Co., of Akron, Ohio, are publishing a large work on *The United States Army and Navy, 1776-1899*, for which Lieut.-Col. A. L. Wagner, U. S. A., has described the army, and Commander J. D. Jerrold Kelley, U. S. N., the navy. The volume is amply illustrated.



Mr. George Clinton Genet, son of Edmond Charles Genet, the envoy of 1793, has printed a pamphlet entitled *Washington, Jefferson and "Citizen" Genet*, in which, partly from family documents, he argues against the usual judgment of historical writers respecting Genet's conduct of his mission to the United States.

Vol. VI., No. 2, of the Pennsylvania *Translations and Reprints* contains the important portions of the "X.Y.Z. Letters," edited by Professors Ames and McMaster.

Mr. C. W. Sommerville has published (Washington, The Neale Co.) a Johns Hopkins doctoral dissertation on the life of Robert Goodloe Harper.

The Government Printing Office has begun the issue of Series 2 of the *Official Records of the War of the Rebellion*. Of the first three volumes (pp. 1044, 1630, 946), two relate to the treatment of disloyal persons, North and South, while the third makes a beginning of the documents relating to prisoners of war and state.

We understand that Captain John Bigelow, Jr., U. S. A., has nearly ready for publication an extensive book on the Chancellorsville campaign.

Rev. George Nye Boardman, an emeritus professor in the Chicago Theological Seminary, has published, under the title *A History of New England Theology* (New York, A. D. F. Randolph and Co., pp. 314), an account, having its origin in seminary lectures, of the development of the "new divinity" from 1730 to 1830.

The Massachusetts Society of Mayflower Descendants began in January the publication of an organ called *The Mayflower Descendant*. The first number contained extracts from the "Brewster Book," and other genealogical records, and made a beginning of the transcription of the earliest Plymouth Colony wills and inventories. The Massachusetts Society proposes an extensive search in England and Holland for record information relating to the passengers in the *Mayflower*, *Fortune*, *Ann* and *Little James*. No. 2 begins the publication of the second volume of Plymouth Colony deeds, of which the state published one volume in 1861, but no more.

The *Publications* of the Rhode Island Historical Society for July contains the first installment of a diary, kept during the Burgoyne campaign by Rev. Dr. Enos Hitchcock, chaplain, who was afterward, 1783-1803, minister of the First Congregational Church in Providence. The diary is ably and entertainingly edited by Mr. William B. Weeden, who has prefixed to the present installment a brief account of Dr. Hitchcock and a sermon of his entitled "A Devout Soldier," preached at West Point in 1782.

The latest annual report of the Connecticut Historical Society records the gift, by the heirs of the late Jonathan F. Morris of Hartford, of several thousand letters and papers of Commissary-General Jeremiah Wadsworth from the end of the Revolution to his death. These supplement

his Revolutionary correspondence already presented by the same family. The society has also acquired a considerable portion of the correspondence of the late Hon. Gideon Welles, Secretary of the Navy during the Civil War.

For students of New England ecclesiastical history, much interest attaches to those "Separatist" churches which were formed in Connecticut in the middle of the last century, as a result of the "Great Awakening" and of the division between the Old Lights and the New Lights. Rev. Oliver W. Means has studied carefully the history of one of these churches, and gives the results in a pamphlet of 58 pages called *The Strict Congregational Church of Enfield*, a thesis presented to the faculty of the Hartford Theological Seminary as a part of the qualifications for the degree of Doctor of Philosophy.

The *New York State Library Bulletin, History, No. 2* (pp. 53-204) is made up from the manuscript volume of colonial records called "General Entries, Vol. I," which extends from July 1664 to September 1665, and contains documents relating to the surrender, and records of the secretary of the province as to various matters requiring adjustment in the first year of English rule. The *Bulletin* contains a calendar of all the documents in the volume, and the text of about 150 documents, of which indeed a third had been printed before, but which are of value for the history of a transitional period. The bulletin was edited by Mr. George R. Howell. *Bulletin No. 3* is an admirably executed *Annotated List of the Principal Manuscripts in the New York State Library*, accompanied by a bibliography of writings relating to those manuscripts (pp. 209-237).

From the latest annual report of the comptroller of the state of New York it appears that the work of arranging the documents relating to the Revolutionary War and putting them in proper form for preservation and consultation has been carried out with great thoroughness. The names of 128 officers and 1884 men, in the line, the levies or the privateers, have been added to the former record, and a second edition of *New York in the Revolution*, containing these names, and also those of men enlisted under the "land bounty rights," has been published.

The June and July numbers of the *Bulletin* of the New York Public Library continue, and apparently conclude, the publication of the Smith of Nibley papers, relating to early Virginian history; the August number contains an interesting series of letters of Calhoun to Samuel L. Gouverneur, son-in-law of President Monroe. They exhibit Calhoun's attitude toward New York politics during a considerable number of years.

The Collegiate Reformed Protestant Dutch Church, New York, has published *A Brief Account of our Historic Church*, presenting, with many pictorial illustrations, an account of the development of that denomination from 1566 to the present time, with especial attention to the church in New York.



The copies of documents from ecclesiastical archives in Amsterdam and the Hague, which Dr. E. T. Corwin procured as agent of the Dutch Reformed Church in America, will, it is estimated, make about two volumes of print. Dr. Corwin is now engaged in preparing them for publication by the State of New York.

Two excellent recent volumes of Long Island history are *The Social History of Flatbush*, by Gertrude Lefferts Vanderbilt (Appleton), and a *History of the Town of Flushing*, by Henry D. Waller (Flushing, T. H. Ridenour).

Mr. Frank H. Severance, editor of the *Illustrated Buffalo Express*, is about to publish a volume of historical studies entitled *Old Trails on the Niagara Frontier*.

Mr. William Nelson, Jr., corresponding Secretary of the New Jersey Historical Society, intends to publish a full bibliography of the New Jersey imprints of the last century. A preliminary check-list has already been printed in a small number of copies.

The July number of the *Pennsylvania Magazine of History* contains, besides continuations of articles begun in previous numbers, an article by Dr. W. H. Egle on the "Buckshot War" of 1838, a defence of the Hessians, translated from the German, and several biographical letters derived from among the Rawle papers.

The Columbia Historical Society, of Washington, D. C., has issued Vol. II. of its *Records*. The volume is mainly occupied with material relating to Major Pierre Charles L'Enfant, the engineer who planned the city, and with memorials of the former mayors of Washington.

In the twenty-sixth volume of the *Papers of the Southern Historical Society*, edited by Dr. R. A. Brock, the most interesting matters are an article by Professor W. LeRoy Broun, on the difficulties and successes attending the work of the Confederate ordnance department, and a criticism of the campaign and battle of Gettysburg by Major-General Isaac R. Trimble, who commanded a division in that fight.

The *Virginia Magazine of History* for July contains a continuation of John Redd's quaint reminiscences of Western Virginia from 1770 to 1790; of the inventory of Robert Carter; of the abstracts of Virginia land-patents; and of the late Mr. Sainsbury's abstracts. Of the latter, the installment now published relates to the commission of 1624 for devising a new government for the colony. The will of Christopher Robinson, 1693, is printed. Mr. Joseph A. Waddell, author of the well-known history of Augusta County, contributes a chapter on "How the First Settlers of the Valley Lived." The remainder of the contents is of genealogical rather than historical interest.

Mr. Robert Lee Traylor has printed, in fifty copies, *Some Notes on the First Recorded Visit of White Men to the Site of the Present City of Richmond, Virginia*, in which he has embodied the pertinent extracts from Archer, Percy and Smith.



In the *Nation* of September 21 Mr. W. H. Whitmore of Boston gives a lucid and convenient summary of those modern researches by which the pedigree of Washington, *i. e.*, of his emigrant ancestor, John Washington, has been established.

In his *Lives of Distinguished North Carolinians* (Raleigh, North Carolina Publishing Society, pp. 605) Mr. W. J. Peele has gathered together from various sources fifteen North Carolina biographical sketches printed in former times, but now difficult to obtain. The subjects are Davie, Macon, Murphey, Gaston, Badger, Swain, Ruffin, Bragg, Graham, Moore, Pettigrew, Pender, Ramseur, Grimes and D. H. Hill. Specimens of their writings have in some cases been added.

In the July number of the *Publications* of the Southern History Association, Mr. A. S. Salley of South Carolina prints an interesting group of nullification resolutions which were submitted to the legislature of that state on December 2, 1828, by various members of that body.

The Confederate Museum of New Orleans has lately acquired four boxes of the correspondence of Jefferson Davis.

The New Orleans *Picayune* of September 14 contains an interesting and valuable collection of material for the history of the *journée* of September 14, 1874, when by armed conflict the McEnery government overthrew that of Kellogg.

The April number of the *Quarterly* of the Texas State Historical Association is almost entirely occupied with a single very interesting and important document, a long letter of Father Damian Manzanet, describing his journeys for the discovery of the Bay of Espíritu Santo and his foundation in 1690 of the mission of San Francisco de los Tejas, the first Spanish mission in Texas. The document is presented in facsimile and in English translation. The July number contains an extremely interesting narrative, by a Mr. Lewis of Louisiana, whose Christian name is not recorded upon the manuscript, but who was one of Austin's immigrants on board the *Lively*, in 1821. His account of the adventures of that unfortunate expedition is to be finished in the next number. The variety of national elements which does so much to give interest to Texan history is well illustrated by two other articles, one of which presents the reminiscences of Louis Reinhardt, concerning the communistic colony of Bettina, 1846-1848, founded by Germans, mostly university men, at the instance of Prince Solms-Braunfels, and named for Bettina von Arnim, while the other article, by Mr. O. W. Williams, essays, chiefly upon the basis of the Texan flora, to trace through southwestern Texas the route of Cabeza de Vaca.

*Retrospects and Prospects* (Scribners), a volume of essays by the late Sidney Lanier, contains among others a historical essay of much interest on San Antonio de Bexar, Texas.

The Northern Indiana Historical Society, incorporated in 1896, and located at South Bend, on the St. Joseph River, begins a series of publi-

cations with an essay by its secretary, Mr. George A. Baker, on the *St. Joseph-Kankakee Portage, its Location and use by Marquette, La Salle and the French Voyageurs*. Though marked by excessive use of secondary authorities, the pamphlet is interesting, and it is well illustrated. The portage, it is perhaps unnecessary to say, was one of those by which the passage was made from Lake Michigan to the Mississippi.

The State Historical Society of Wisconsin has issued in one book (pp. 225) the *Proceedings* of its forty-sixth annual meeting and those of the "historical convention" which it held on February 22 and 23 last. We note that the society has acquired a large number of copies from archives in Paris, relating to the French domination in Wisconsin, and, among other gifts, that the correspondence of the chairman of the Democratic state central committee for the campaign of 1888 has been given to the society, but is not to be made accessible to the public before 1900. The principal feature of the convention was an address by Professor George B. Adams of Yale University, on The Origin and the Results of the Imperial Federation Movement in England. Other papers here printed are on the Puritan influence in Wisconsin, on the settlement of Beloit, on the influence of the French régime in the valley of the Fox River, on the German-American press, and on the first Norwegian settlements in America, within the present century.

The July number of the *Annals of Iowa* is mainly occupied with the record of the exercises and speeches at the laying of the corner-stone of the state's Historical Building on May 17. A picture of the handsome building in which the Historical Department is hereafter to be housed is presented. The magazine also has an article on the one fugitive-slave case which was tried in Iowa before a United States commissioner, written by Mr. George W. Frazee, who was commissioner at the time.

The Nebraska Historical Society has done a useful service in printing *The Provisional Government of Nebraska Territory and the Journals of William Walker*, provisional governor, with notes by William E. Connelley. Walker was a Wyandot, and his journal shows a curious mixture of civilization and barbarism.

It is expected that the library of books of California history owned by the late William A. Piper will pass into the possession of the Leland Stanford University.

Mr. Charles F. Lummis is printing in his magazine *The Land of Sunshine* (Los Angeles, California) an English translation of the invaluable report on California, 1767-1793, made by the Viceroy, Revilla Gigedo.

Seldom has a young historical society been able to illustrate the early annals of its locality by the printing of manuscripts so interesting and so important as *The Correspondence and Journals of Captain Nathaniel J. Wyeth, 1831-6*, which the Secretary of the Oregon Historical Society, Professor F. G. Young, has just published as a part of his series of



"Sources of the History of Oregon." He has been so fortunate as to find, in the possession of a lady in Massachusetts, letter-books containing 245 of Wyeth's letters, and his journals of the two expeditions, 1832-1833 and 1834-1836, which he conducted from the East to the Oregon country with a view to the occupation of the latter by the Americans of the United States. These Mr. Young has printed in a volume of 292 pages, with two maps. It makes a contribution to the early history of the state which would alone justify the existence of the Oregon Historical Society.

The history of the Hudson's Bay Company bids fair to be thoroughly made known. At least three books upon it, all likely to be excellent, are announced. That of Mr. Beckles Willson, which we have already mentioned, is expected to appear this autumn. A second is to be brought out by the Rev. Professor Bryce of Winnipeg, and a third, by Mr. Miller Christy, probably more elaborate than the others, at any rate the fruit of long researches, is announced as likely to be ready for publication in a year or eighteen months.

The tenth volume of the *Collections* of the Nova Scotia Historical Society is entirely composed of a valuable monograph by Rev. Dr. T. Watson Smith, on the Slave in Canada.

Mr. John T. Hassam of the Massachusetts Historical Society has sent us a "separate" from the next volume of the *Proceedings* of that society, containing an elaborate and interesting paper read by him at its March meeting, on the Bahama Islands and the early attempts at their colonization, with notes on the individual patentees of 1650.

In the *Revue des Bibliothèques*, 1899, Nos. 1-3, M. Henri Omont presents a catalogue of the Mexican manuscripts possessed by the Bibliothèque Nationale at Paris.

The Century Co. has brought out a volume called *Maximilian in Mexico*, by Mrs. Sara Y. Stevenson, who spent several years in contact with the imperial court, from 1862 to 1867.

Dr. A. Telting, sub-director of the Royal Archives at the Hague, has lately carried through a scientific re-arrangement of the public records preserved in Dutch Guiana and the Dutch West Indies.

In the proceedings of the Berlin Academy (1899, No. 3) Professor Rudolf Virchow discusses on ethnographical grounds the early population of the Philippine Islands and the first immigration of the Indios, which, he concludes, must have taken place before the arrival of the Spaniards.

Noteworthy articles in periodicals: H. C. Lea, *The Indian Policy of Spain* (Yale Review, August); H. L. Osgood, *Connecticut as a Corporate Colony* (Political Science Quarterly, June); *The American Colonies in the Eighteenth Century* (Quarterly Review, July); P. L. Ford, *The Many-Sided Franklin* (Century, July-September); J. C. Schwab, *Prices in the Confederacy* (Political Science Quarterly, June).



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# The American Historical Review

## SOME CURIOUS COLONIAL REMEDIES<sup>1</sup>

THE weapon-ointment derived from the Rosicrucians was compounded of many absurdities; there was pulverized blood-stone, a cure by likes, and there was also moss taken from the skull of a dead man unburied, and other ghastly ingredients.<sup>2</sup> This precious unguent was applied not to the wound but to the weapon or implement which had produced it. The weapon was then carefully bandaged to protect it from the air. It was the wound, however, which was healed; the cures are well attested, as impossible cures usually are. Experiment proved that "a more homely and familiar ointment" would serve the turn just as well, and, moreover, in that day of emblemism the ointment proved quite as efficacious when applied to an image of the offending weapon. To the Rosicrucians was attributed also a similar cure which came into great notoriety in England in the middle of the seventeenth century.<sup>3</sup> This was the widely famous sympathetic powder, made of vitriol with much ceremonial precision. The powder stopped hemorrhages either from disease or wounds. It was applied to the blood after it

<sup>1</sup> From the unpublished volume entitled *Transit of Civilization*.

<sup>2</sup> It must have been unfortunate to have a prescription of such value in controversy, but the authorities were not agreed as to its ingredients. Moss from the skull of a dead man, *os-ri deretida*, was however a permanent element. Bacon gives some account of one prescription in his *Natural History*, section 998. But John Baptist Porta has the prescription given by Paracelsus to the Emperor Maximilian and received through a courtier by Porta. I give it in English: Two ounces of skull moss as above; of human flesh, the same; of mummy (a liquor reported to be distilled from dead bodies) and of human blood, each half an ounce; of linseed oil, turpentine and Armenian bole, each one ounce; pound all together in a mortar. Porta's *Magia Naturalis*, liber VIII, caput xii. According to Porta the weapon was left lying in the ointment. In the text I have followed a different account in Bacon's *Natural History*. In the selection of ingredients for this preparation the mystical doctrine of curing by similitude is manifest.

<sup>3</sup> Sprengel, *Geschichte der Arzneikunde*, IV. 343.

had issued from the wound or to the blood-stained garment. Winthrop of Connecticut, a fellow of the Royal Society and the great medical authority of New England, imported the latest books<sup>1</sup> on the subject of this powder, which may well have come into use in a country where surgical cases were not infrequent. Before Winthrop's time and after, learned German writers on physic had attempted to give a scientific basis to the weapon-ointment and powder of sympathy by attributing their operation to magnetism,<sup>2, 3</sup> a term that has covered more ignorance than any other ever invented. The philosopher Kenelm Digby, a contemporary of Winthrop, made himself the protagonist of the powder in a treatise on the subject. Lord Bacon was in some doubt about the weapon-ointment, but he rather inclined to believe in its cures because a distinguished lady had similarly relieved him of warts by rubbing them with a rind of pork which was then hung up, fat side to the sun, to waste vicariously away, carrying his warts into non-existence with it. Roberti, the Jesuit, believed that such cures took place but ascribed them to the devil. All these cures that were wrought without "contaction," including the home-made sorcery of curing warts, Bishop Hall accounted damnable witchcraft.<sup>4</sup> Of such necromancy the bacon-rind cure has alone survived to modern times. The rag-bag of folk-medicine is filled with the cast-off clothes of science.

The seventeenth century lay in the penumbra of the Middle Ages and the long-sought potable gold of the alchemists was yet in request;<sup>5</sup> it even enjoyed a revival.<sup>6</sup> Almost everything precious and

<sup>1</sup> E. g., *De Pulvere Sympathetica*, 1650.

<sup>2</sup> Sprengel as above, IV. 345, 346.

<sup>3</sup> "The operation of this ointment," says the author of a famous pharmacopoeia in 1641, "is by the identity or sameness of the Balsamick spirit which is the same in a Man and in his Blood; for there is no difference but this, in a man the spirit actually lives, but in the blood it is coagulated." Schröder quoted by Salmon, *English Physician*, VII. 65. See also Sir Kenelm Digby's *Sympathetic Powder*, generally, and a theory of the action of this powder or "zaphyrian salt" in Howell's *Familiar Letters*, Jacob's edition, 645. An account of the cure of Howell by this remedy is in Supplement II., 673, 674. The sympathetic powder was used for all hemorrhages and even for other diseases, according to Sprengel. Compare Sir K. Digby on the cure of swelled feet in oxen, *Discourse on Sympathetic Powder*, 129-132. In the time of their greatest vogue these cures were probably never sanctioned by the strict Galenists. The subject was discussed before the Royal Society in its infancy in a paper entitled "Relations of Sympathetic Cures and Trials." Sprat, 199.

<sup>4</sup> Hall's *Cases of Conscience*, 232.

<sup>5</sup> An English manuscript in my possession in the hand-writing of the seventeenth century gives many directions for alchemical processes to attain the "quintessence" so much sought. Some of these had to be conducted in the earth. Under the title, "The Essence whereby to dissolve Gold," this occurs: "To the Essence of wine twice circulated (as is elsewhere taught) add Gold and Sett it in digestion in Sand with a Lamp For 3 months and yu shall find the Gold dissolved but not irreducibly, never the lesse a quarter of a Spoonfull given at a time to a dying man, tho he be insensible it will restore him half an hour to perfect sence, as ever he was in his life."

<sup>6</sup> Burton's *Anatomy of Melancholy*, Sec. 1, 3.



rare was accounted of medical virtue,<sup>1</sup> and it was inferred that gold as the most precious metal would be the most valuable remedy,<sup>2</sup> if it could be taken in liquid form. The known usefulness of mercurial remedies was attributed to the fact that mercury was the densest of liquids. Gold was the densest metal then known, and it was easily concluded by the process of using fancy to give fluidity to logic, that if it could be reduced to drinkable consistency it would be the most valuable of medicaments. There was a yet more convincing way of proving its medical value by the process of presumption, so much used by hermetic philosophers. The sun and gold were related in the mystical thought of the time;<sup>3</sup> the sun as chief luminary was the "lord in the property" of gold. "There is not found among things above or things beneath," says Glauber, "a greater harmony and friendship than that between the Sun, Gold, Man and Wine."<sup>4</sup> The easy logic of the time found in this transcendental fancy a therefore potent enough to make gold a universal

<sup>1</sup> Queen Elizabeth's ambassador to the French court in 1596 was attended in his illness by Lorrayne, a physician of the famous faculty of Montpellier, and another. "They gave him *confectio Alcarmas* composed of musk, amber, gold, pearl and unicorn's horn," ingredients whose virtues seem to have been deduced from their rarity and costliness. The *confectio alhermes*, an Arabic remedy, varied in its ingredients. The amber was ambergrease. See formula in the Amsterdam *Pharmacopoea* of 1636, page 61, and that in the London *Dispensatory*, as quoted and discussed in Culpepper's *Physician's Library*, 1675. The Arabic form of the confection appears to have been less complicated. In the pharmaceutical work of Mesue the younger—"John, the son of Mesue, the son of Mech, the son of Hely, son of Abdella, king of Damascus"—the ingredients in this *confectione alhermes* are fewer and there are no pearls or ambergrease. The costly elements are "good gold," "good musk" and lapis lazuli. My copy of this work is called *Mesue Vulgare*, perhaps because it is in Italian. It bears date Venice, 1493, and must have been one of the earliest printed medical works. See K. Sprengel, II. 361-364, on "*Mesue der jüngerer*."

<sup>2</sup> On the tendency to expensive remedies compare Howell's *Familiar Letters*, 45. "More operativ then Bezar, of more virtue then Potable Gold, or the Elixir of Amber." In Molière's *Médecin Malgré Lui*, Act. III., Scene 2, Sganarelle speaks of a medical preparation: "Oui, c'est un fromage préparé, où il entre de l'or, du corail, et des perles, et quantité des autres choses précieuses." An English confection described by Bassompierre may have been the *confectio alhermes* spoken of above: "A pie magesterial of ambergrease, pearl, musk." Bassompierre's *Embassy*, 3. The Bezoardic powder magesterial of the London *Dispensatory* contained sapphire, ruby, jacinth, emerald, pearl, unicorn's horn, Oriental and American bezoar, musk, ambergrease, bone of stag's heart, kermes and sixteen other ingredients. "I am afraid to look upon it," says Culpepper. "'Tis a great cordial to revive the Body, but it will bring the purse into a consumption."

<sup>3</sup> Gold is said by the alchemist to have its origin in the sun; it is called "the under sun" and the "earthly sun endowed by God with an incredible potency. For in it are included all vegetable, animal and mineral virtues." Potable Gold is the "tincture of the sun," and the enthusiastic Glauber talks of "partaking of the fruit of the Sun-tree." Compare Phaedro and Glauber *passim*. A large volume would not be sufficient to recount all the virtues of the powerful remedy, in Glauber's opinion. Compare the account of it in Evelyn's *Diary*, I. 271.

<sup>4</sup> Glauber, *De Auro Potabili*, 3, and Georgius Phaedro, *Vom Stein der Weisen*, 1624, 394-397.



remedy for human maladies where the recovery was not "contrary to the unfathomable counsel of God." Gold was even administered in its solid state; Arabic doctors prescribed leaf gold and it held place in several compounds. Fragments and leaves of gold were seethed with meats and the broth used to cheer the heart and raise the strength and vital spirits of invalids beyond all conception.<sup>1</sup> But the hermetic writers thought the use of leaf gold a coarse application of a metal which they were fond of styling "the lower sun." Preparations professing to be potable gold and tincture of gold were in much request and frequently administered in the seventeenth century.<sup>2</sup> On the other hand, their efficacy was warmly debated. The alchemists held that three drops, at the highest, taken in wine or beer would cure the most serious illness.<sup>3</sup> Of its nature it is more than enough for us to know that it was triplex, being vegetable, animal and mineral; it was one thing chosen out of all others, of a livid color, metallic, limpid and fluid, hot and

<sup>1</sup> Lemnius, *De Miraculis Occult. Nat.*, 1604, pp. 309, 310.

<sup>2</sup> The curious and scientific reader may follow if he can the process for making potable gold, the "True tincture of the Sun," in the various works of Glauber or in *De Via Universalis*; he may learn to get both the potable gold and the philosopher's stone by "the dry process" or by the "wet process." He may get directions for making the tincture in Glauber's *De Auri Tinctura sive Aure Potabili*, a German work with the usual Latin title, dated 1652. Or he may read the *Panaceae Hermeticae Universalis* of Johann Gerhard, 1640, and he will find the "most secret mode of compounding the Universal Medicine" in the *Arcanum Lullianum*. Then there is a rare tractate, *Vom Stein der Weisen*, written in the middle of the sixteenth century, by Phaedro von Rhodach. These and others are before me, but after some wearying of the mind with esoteric phrases, in a compound of old German and Latin I prefer to leave the question of the actual constitution of the most potent universal remedy to special investigators. Fonssagrives in the *Dictionnaire Encyclopédique des Sciences Médicales*, under the word *Or*, says that a preparation of mercury and chloride of gold constituted the so-called potable gold of the seventeenth century; I do not know on what authority. I am in some doubt whether, after all the complicated huggemugger, the alchemists got any gold in their final decoctions. According to Phaedro it was not so much gold they sought as the subtle spirit of gold that freed men and metals from impurities. Glauber, in his *De Auri Tinctura*, 1652, p. 24, took pains to explain how the true should be known from the false and sophisticated potable gold, some of which was nothing but colored water. Angelus Sala, though of the Paracelsian school, ridiculed the notion of drinkable gold and declared that fulminating gold (*Knallgold*) was the only preparation of that metal that had ever been made. Sprengel, *Geschichte der Arzneikunde*, IV. 357. It has been conjectured that some of the so-called potable gold offered for sale was merely a preparation of mercury. The two metals are allied in the fancy of the time. In *Ehrlicher Ritterkrieg*, Gold calls Mercury "Mein Bruder Mercurio" and yet says that mercury was the female and gold the male. Salmon's *English Physician*, p. 10, has two recipes for making tincture of gold, the one with, the other without mercury. More than one writer intimates that there is as much gold left after the essence is drawn off. "Aurum decoctione non alteritur," says Lemnius. But the mere looking at gold coins or at rings, especially if adorned with "stones and lovely gems," recreated the eyes and heart, and a man might be brought to himself when in a collapse by applying gold saffron to the region of the heart with the third finger of the left hand. Lemnius, *De Miraculis Occultis Naturae*, 309, 390.

<sup>3</sup> Phaedro von Rhodach, 443.

moist, watery and swarthy, a living oil and a living tincture, a universal stone and a water of life of wonderful efficacy.<sup>1</sup> So spoke the admiring alchemist.

John Winthrop the younger, of whom we have spoken, was a man of an eager and curious mind, fond of peering into the occult. He dabbled in alchemy as well as astrology and on his shelves were many of the latest works on potable gold. A poet of his time says of him :

"Were there a Balsam, which all wounds could cure,  
'Twas in this Asculapian hand be sure."

He left a son Wait who inherited his father's fondness for prescribing, and who like his father was adept in panaceas and was believed to have golden secrets and secrets more precious than gold "unknown to Hippocrates and Helmont."<sup>2</sup> Doubtless many New Englanders were dosed by the revered Winthrops<sup>3</sup> with the true tincture of the sun, potable gold, made by marrying in some fashion the "masculine gold" to the "feminine mercury," and possessing all virtues, vegetable, animal and mineral, "destroying the Root and Seminaries of all malignant and poisonous diseases."

Weapon-ointment, sympathetic powder, potable gold were much thought of, but the authorized pharmacopoeias ignored these Gothic medicines and traced their origin to alchemists and Rosicrucians. Yet the notion of a universal antidote was in regular medicine as well. Primitive science, having no reins on the imagination, longs for perfection, seeks the universal and dreams of great discoveries. Back through a long line of medical writers we may trace the belief in the virtues of theriac and mithradate to Galen and into the cen-

<sup>1</sup> Geber, quoted in *De Via Universalis*.

<sup>2</sup> Green's *Medicine in Massachusetts*, quoting Cotton Mather.

<sup>3</sup> The library of Winthrop the younger consisted of more than a thousand volumes. The fraction of it now in the Society Library of New York is less than half. Among these is *Hercules Chymicus sive Aurum Potabile*, 1641, and *Traité de la Vraye, Unique, Grand et Universelle Médecine des Anciens, dite des Recens, Or Potabile*, 1633. There was also Glauber's Latin treatise of 1658 on potable gold. These were new books. The revival of interest in potable gold in the seventeenth century awakened opposition. Burton in his *Anatomy of Melancholy* says: "Some take it upon them to cure all maladies by one medicine severally applied, as that panacea, Aurum potabile, so much controverted in these days." In 1403 an English statute had been passed making it a felony to "use any craft of multiplication" to increase the quantity of gold and silver; *Statutes at Large*, II. 403. Robert Boyle in the seventeenth century, in spite of his having written the *Sceptical Chemist*, thought he had discovered the forgotten secret of the fifteenth century, but he did not print his discovery. Sir Isaac Newton wrote to the Royal Society in praise of Boyle's reticence, fearing that the full disclosure of what the hermetics knew was "not to be communicated without immense damage to the world." In 1689, however, Boyle secured the repeal of the statute forbidding the making of gold. Thus did the dark shadow of medieval credulity fall still upon the most enlightened minds. Compare Chalmers's *Dictionary of Biography*, VI. 348, 349.



turies before Galen. The accepted story of its origin is that Mithradates, king of Pontus, by a series of experiments on criminals, had found out or thought he had found out what medicaments would neutralize various poisons. These he put together for a universal antidote.<sup>1</sup> Andromachus, physician to Nero, changed the constitution of the remedy somewhat by adding the flesh of the viper, probably on the principle of curing like by like. The remedy of Andromachus was the famous theriac which was so much lauded by Galen and which imposed itself even on modern times.<sup>2</sup> It was expelled from the British *Pharmacopæia* only in the middle of the eighteenth century by a bare majority of one vote in the college. It contained more than sixty ingredients and was commonly known in England as Venice treacle.<sup>3</sup> Not only all poisons but many diseases were supposed to be conquerable by this universal remedy. Numerous other preparations of viper's flesh were in use. Things poisonous were thought to contain much virtue. What theriac was used in the colonies was no doubt made abroad. In less complicated preparations the American rattlesnake was made to take the place held for thousands of years by its rival in virulence, the European viper.<sup>4</sup> The flesh of the rattlesnake was fed to the infirm, perhaps in broths, as the viper's was given for ages, and as the Scotch used the adder; his gall mixed with chalk was made into "snake balls" and given internally, his heart was dried and powdered and drunk in wine or beer to cure the venom of the snake on the ancient principle of curing by likes.<sup>5</sup> In Virginia the oil of a snake was given for gout, while in frosty New England the fat was, if we may believe Josselyn, "very sovraigne for frozen limbs . . . and sprains." The American backwoodsman of to-day perhaps unconsciously uses a substitute for the viper wine or theriacal wine of other times when he soaks the flesh of a rattlesnake in spirits to make "bitters" against rheumatism.

There was yet another universal antidote recognized in the regular medicine of the time. The bezoar or bezar stone was a concretion taken from the intestines of wild goats and other animals. That brought from the Orient was accounted most valuable. It

<sup>1</sup> Galen, *De Theriaca ad Pisonem*, and *De Antidotis Epitome*, Adams's *Paulus Aegineta*, III. 528, Maranta *De Theriaca et Mithridatio*, 1576.

<sup>2</sup> The multitudinousness of ancient compounds was perhaps a trait derived from primitive medicine. The Iroquois had a sort of theriac, a cure for all bodily injuries, made from the dry and pulverized skin of every known bird, beast and fish. Erminnie A. Smith in Powell's *Second Report of the Bureau of Ethnology*, 73.

<sup>3</sup> Comp. Adams on P. Aegineta, III. 121, Judd's *Hadley*, 361, Josselyn's *Two Voyages*, 114.

<sup>4</sup> Byrd's *Westover Papers*, 66.

<sup>5</sup> Joannes Juvenis, *De Medicamentis*, 240, and Salmon's *English Physician*, 763.



was used first in the East as an amulet; there were other remedies of olden times that served their purpose just as well when worn about the person as when taken medicinally. A "stone" found in so unusual a place excited wonder, and there grew up a mythical notion of its origin. This particular wild goat, in the opinion of the sixteenth century, indulged itself on occasion in a diet of poisonous snakes. To cool the burning produced in its stomach by this debauch the creature plunged into the water. On coming out he sought and ate of health-giving herbs, and as a result the bezoar was concreted in his vitals.<sup>1</sup> The cost of the bezoar, the "queen of poisons," was great;<sup>2</sup> "if you take too much your purse will soon complain," says a medical writer in 1661. The concretions of the "mountain goat" were the original bezoar, but any intestinal formation of the kind came to be considered bezoar. In Java the viscera of the porcupine were eagerly searched for such deposits and one of these worthless things, called a *pedro porco*, was sold for the price of pearls.<sup>3</sup> There were ruminants in Chili and Peru that yielded bezoars, which ranked second to those of the East; Mexico contributed a lower grade still.<sup>4</sup> Finding these stones valuable the shrewd Indians learned to counterfeit them, and as they were of all

<sup>1</sup> Monardes, Eng. ed., p. 3, and Acosta, Lib. IV., chap. xiii.

<sup>2</sup> Tanner's *Art of Physic*, 515.

<sup>3</sup> "In that country (Java) but very seldome there grows a Stone in the Stomach of a Porkapine, called Pedro Porco: of whose virtue there are large descriptions: and the Hollanders are now so fond, that I have seen 400 dollars of  $\frac{4}{5}$  given for one no bigger than a Pidgeon's Egg: There is sophistication as well in that as in the Bezoar, Musk, &c. and every day new falsehood." Sir P. Vernatti in Sprat's *Royal Society*, 171. There was exhibited in the University of Leyden "the home of a goate in whosse ventricle the besar stone is found," Marmaduke Rawdon, Camden Society, p. 105. Compare the accounts of Monardes and Acosta and the discussion in Castrillo's *Magia Natural*, last chapter. Castrillo calls the bezoar "Regna de los Venenos," and says that it cured pestiferous fevers and other diseases caused by melancholy humors. Joannes Juvenis in his essay *De Medicamentis Bezoardicis*, published in Antwerp in the latter part of the sixteenth century, treats the bezoar very mystically. A disease of an occult and divine origin—*divinus et Secretus Morbus*—like the plague, exacts a medicine of a heavenly and concealed faculty, or, as he said, with a blind and hidden potency. The plague, he says, is a mysterious disease of the heart caught by inhalation from poison dispersed in the air by a malign conjunction of the planets. It requires a bezoardic remedy. Under this head he includes alexipharmical mixtures and remedies, whose supposed virtues have no rational basis, as well as amulets. He describes an amulet of gold, silver and arsenic made into the shape of a heart and worn next to that organ by Pope Adrian, and he recommends the wearing of six precious stones and some brilliant pearls in finger rings or about the neck. They are to be frequently looked on, for in them resides "the hidden bezoar" against all poisons and the plague. There is here the sense of alexipharmical in the word bezoar. Compare the citations of Adams in *Paulus Aegineta*, III. 274. Bequin's *Éléments de Chymie*, edited by Lucas de Roy, 1632, describes seven kinds of "bezoart," to wit, mineral, solar, lunar, martial, jovial, metallic and solar of Harthmannus. None of these have anything to do with the bezoar stone. The word bezoar in the sense of antidote appears to antedate the application of it to the stone.

<sup>4</sup> Castrillo, Chap. XXVI.

sizes, colors and forms, and there was no test of fineness, there were others than natives who knew how to sophisticate, so that the famous powder magisterial of bezoar often probably contained nothing of the kind. The remedy was known in the colonies : Clayton, the parson, who was in Virginia before 1690, tells of a skillful woman physician there who gave pulverized " oriental bezoar stone," in the case of a man bitten by a rattlesnake, and followed it with a decoction of dittany, the same, at least in name, as that ancient remedy which Venus applied to the wound of her son, Æneas,<sup>1</sup> and to which the wild goats, in those knowing times, resorted when the winged arrows of the hunters pierced their sides. We get a notion of the persistence of medical tradition when we find administered in Virginia an antidote<sup>2</sup> brought into Europe from the East in the Middle Ages<sup>3</sup> and an orthodox simple derived from the remotest Greek antiquity ; and both of them probably without merit.

EDWARD EGGLESTON.

<sup>1</sup> *Æneid*, XII. 412.

<sup>2</sup> As the eighteenth century advanced, bezoar seems to have lost ground gradually in England. Sir Conrad Sprengell (an English writer not to be confounded with the more famous German of a later generation, Kurt Sprengel), in his comment on Celsus in 1733 says : " As some have prescribed Bezoar Stone, Lapis de Goa, Pulv. Gasc. &c. when Crab's eyes or oister shells would have done as well or better."

<sup>3</sup> Cf. *Calendar of Hatfield House MSS.*, V. 3.

## MARYLAND'S ADOPTION OF THE FEDERAL CONSTITUTION

### II.

THE Maryland convention met in Annapolis,<sup>1</sup> on Monday, April 21. It consisted of seventy-six members, of whom two never sat on account of sickness. They were both Federalists. Only three counties, Anne Arundel, Baltimore and Harford, sent Anti-Federal delegations, though a number of the Federal members voted with the minority from time to time, in a spirit of compromise. Most of the Eastern Shore delegates were absent on the first day of the convention, while some of the Baltimore and Harford County men did not arrive until Thursday, April 24.

The assembly was a representative and able one. The small Anti-Federalist minority had among its numbers two delegates to the Philadelphia Convention, Mercer and Martin; Samuel Chase, "the flame of fire" who signed the Declaration of Independence; his able kinsman, Jeremiah T. Chase; William Paca, another signer of the Declaration of Independence, and an able statesman; and William Pinkney, who became so famous as a lawyer and an orator. The Federalists were no less ably led by "Aristides," Alexander Contee Hanson, who was one of the best of Maryland lawyers; James McHenry, who was to become Washington's Secretary of War; Col. William Richardson, Robert Goldsborough, William Hemsley, Col. Edward Lloyd, and Peter Chaillé, from the Eastern Shore; and by Col. Moses Rawlings, of Revolutionary fame, Richard Potts, formerly a member of the Continental Congress, Thomas Johnson, the first governor of the state, and Thomas Sim Lee, who was one of his successors, from Western Maryland.<sup>2</sup>

<sup>1</sup>The proceedings of the convention are printed in the *Documentary History of the Constitution* (issued by the Department of State), II. 97-122. The address of the minority is printed in Elliot's *Debates on the Federal Constitution*, II. 547-556. It is entitled "A Fragment of Facts, disclosing the conduct of the Maryland Convention, on the adoption of the Federal Constitution." The address of the majority was prepared by A. C. Hanson ("Aristides") but was never published. It is in manuscript among the Madison papers in the Department of State at Washington. The Maryland Historical Society's files of the *Annapolis Gazette* for April 24 and May 1, 8, 15, 22; of the *Baltimore Gazette* for April 29, and of the *Maryland Journal* for April 29 and May 2 contain valuable information relative to the convention.

<sup>2</sup>Daniel Carroll, writing to Madison on May 28, 1788, said that the members of the convention were men of abilities and fairness of character and that Chase had said that their weight in the community was enough to carry the government.



The convention organized by the unanimous choice of George Plater of St. Mary's County as president, and by electing a clerk, assistant clerk, messenger, and door-keeper. A committee of elections was appointed, consisting of Messrs. Johnson, Barnes, J. T. Chase, Done, and Faw,<sup>1</sup> four of whom were Federalists. After resolving to sit from 9 A. M. to 3 P. M. each day, "for considering the proposed plan of Federal Government," the convention adjourned. On Tuesday, the committee of elections made a report, which was accepted, apparently without dispute. A simple code of rules was adopted. The sessions shall be open. Members must be present, within half an hour of the time of opening the sessions. The minutes of the preceding day shall be read at the beginning of each day's session. Members shall be referred to in debate by name. Questions of order shall be decided by the president without debate, but he may refer the questions to the house, which shall decide also without debate. "No member speaking shall be interrupted, but by a call to order by the President, or by a member through the President." The president shall put any motion which has been made and seconded, and either he, or any other two members, may require a motion to be reduced to writing. A member offering a motion may withdraw it, at any time before a vote is taken. Such were the simple rules, under which the convention acted.

As most of the members were now on hand and the organization was perfected, the convention settled down to serious business. The "proposed plan of Federal Government for the United States" was read the first time. Before the convention met, the Federal majority had held a caucus and agreed "that they and their constituents had enjoyed abundant leisure and opportunity for considering the proposed system of a Federal government, that it was not probable any new lights could be thrown on the subject, that (even if it were) the main question had already, in effect, been decided by the people in the respective counties, that, as each delegate was under a sacred obligation to vote conformably to the sentiments of his constituents, they ought to complete that single transaction for which they were convened, as speedily as was consistent with decorum. A prompt determination in this State, they conceived, might have a happy influence in other States and they expressed a desire that all argument in favor of an indispensable measure might be omitted. In short they esteemed nothing wanting except the mere forms of a ratification." In conformity to these ideas, every proposition to bring about discussion by parts was rejected. The

<sup>1</sup> Read Faw for Law in the list on p. 43, *supra*.

majority felt that their power was too limited and the crisis was too dangerous to permit the separate provisions of the Constitution to be considered by the convention. Virginia, where the battle was close, waited for their verdict. So, after the first reading of the Constitution, the convention resolved that it would "not enter into any Resolution upon any Particular Part of the proposed plan of Federal Government for the United States: But that the whole thereof shall be read the second time, after which the Subject may be fully debated and considered." It was "clearly understood" that on the "grand question," each member "might be free to speak, as often as he should think proper." The majority maintained that they showed no undue haste; most of the week was spent in waiting for the absent minority members, some of whom did not come until Thursday, or "in most patient attention to objections which were familiar to almost every auditor."

After the debate, it was decided, the president should "put the question that this Convention do assent to and ratify" the Constitution, on which question the yeas and nays should be taken. The convention then read the Constitution for the second time and adjourned.<sup>1</sup>

On Thursday morning, the debate began and Samuel Chase came to the convention. His presence added fresh life to the minority. On May 2, Washington wrote to Madison<sup>2</sup> that he had learned that Mr. Chase "made a display of all his eloquence. Mr. Mercer discharged his whole artillery of inflammable matter and Mr. Martin did something, I know not what, but presume with vehemence, yet no converts were made—no not one." The majority relied on their numbers and took little part in the argument. They felt that no valuable purpose could be answered by protracting the mere formality of a ratification and so "remained silent to the arguments of the minority." After Chase had spoken a while,<sup>3</sup> he

<sup>1</sup> On Tuesday, we learn from the minority's address, the following proposed rules of order had been rejected by the convention: "When a motion is made and seconded, the matter of the motion shall receive a determination by the question, or be postponed, by general consent, or the previous question, before any other motion shall be received;" and "Every question shall be entered on the journal; and the yeas and nays may be called for, by any member, on any question, and the name of the member requiring them shall be entered on the journal."

<sup>2</sup> *Writings*, XI. 259. [Mr. Ford prints "comments" in the passage next quoted; but Mr. Bancroft, *Constitution*, II. 467, has "converts," and so has the catalogue of the McGuire sale, p. 41; "converts" seems the more likely reading. ED.]

<sup>3</sup> Bancroft, *History of the Constitution*, II. 282, quotes from Chase's MSS. notes: "The powers to be vested in the new government are deadly to the cause of liberty and should be amended before adoption. Five States can now force a concession of amendments, which, after the national government shall go into operation, could be carried only by nine."



sat down, declaring that "he was exhausted and would resume his argument on the following day."

The hour of adjournment had not come and the convention waited for some other speaker. None arose, however, and, after waiting a "competent time," the convention adjourned until after dinner, that, by another meeting on that day, "further procrastination" might be prevented. Should the minority not "proceed with their objections," the majority intended to have "the business concluded immediately." They maintained that, although it was "proper to give each member an opportunity to declare his sentiments," it "could not be expected that the whole body should await the pleasure of a few individuals."

When the convention came together again at 4:30 P. M., William Paca arrived and took his seat. He rose and said "that he had a variety of great objections to the Constitution in its present form, and that, although he did not expect amendments to be made the condition of ratification, he wished them to accompany it, as standing instructions to our representatives in Congress; that under an expectation of obtaining amendments, he might vote for the Constitution; that having just arrived, he was not ready to lay his amendments before the House, but asked for permission to prepare his propositions and, in the morning, lay them on the table for consideration of the members; that he wished the amendments to be considered before the ratification, because he did not imagine that after it the convention would remain a sufficient length of time."

The amiable Johnson arose at once and said "that the request was candid and reasonable and that the gentleman ought to be indulged. In order that nothing further might be done he moved to adjourn till the morning." This was done at once. The Federalists maintained that the adjournment was only to be taken as implying that they were willing to "give time for reflexion on Paca's proposal."

On Friday morning, Paca rose and informed the president "that, in consequence of the permission of the house given him the preceding evening, he had prepared certain amendments<sup>1</sup> which he would read in his place and then lay on the table." At this Paca was interrupted by George Gale of Somerset County, who had not been present on the preceding afternoon and who supposed Paca to be out of order. Technically he was out of order, as the question was "that this Convention do assent to and ratify the proposed Constitution." Paca remonstrated warmly against the indecency wherewith he alleged that he had been treated, but could not

<sup>1</sup> Their text is printed on pp. 223, 224, *post*.



point to any express permission to introduce amendments. One after another, members from each of eleven counties,<sup>1</sup> and from each of the two municipalities rose and declared for themselves and their colleagues that they "were under an obligation to vote for the government." The form of words varied, but the thought was the same. Several added that they were to ratify, as soon as possible, and do no other act, and that after ratification their power ceased. As to amendments, almost all declared that "they considered themselves as having no authority to propose, in behalf of their constituents, that which their constituents had never considered and concerning which their constituents could of course have given no directions." Paca's amendments having been refused, the minority continued to state their objections until Saturday afternoon. The majority were "repeatedly called on and earnestly requested to answer the objections, if not just," but they "remained inflexibly silent." They defended their silence, by saying that they were instructed to vote for the Constitution and that the minority was equally instructed to vote against it. Both were bound by their relation to their constituents and it was "hardly probable that at this late period any argument contained in a public harangue could have flashed conviction on the minds of the minority."

When the vote for ratification was taken, the house stood 63 to 11. In the negative were all the delegates from Anne Arundel, Baltimore and Harford counties, except Paca, who was true to his previously expressed purpose and voted *aye*. On Monday, the same sixty-three delegates who had voted in the affirmative, signed the following ratification: "We the Delegates of the people of the State of Maryland having fully considered the Constitution of the United States of America reported to Congress by the Convention of Deputies from the United States of America held in Philadelphia on the seventeenth Day of September in the Year Seventeen hundred and eighty seven of which the annexed is a Copy and submitted to us by a Resolution of the General Assembly of Maryland in November Session Seventeen hundred and eighty seven do for ourselves and in the Name and on the behalf of the People of this State assent to and ratify the said Constitution."

The Federalists declared that, in the convention, the "greatest Dignity as well as Decorum was exhibited. . . . The Minority was heard with candid and profound attention. Their Talents and

<sup>1</sup> Frederick, Talbot, Charles, Kent, Somerset, Prince George's, Worcester, Queen Anne's, Dorchester, Calvert, and Caroline. *Vide Annapolis Gazette*, May 8. The delegate from that city did not say that Annapolis was against amendments, but that the matter had not been submitted to the people and therefore the city delegates had no right to act in the matter.

Abilities were amply displayed and, but from the clearest Impressions of the best of Causes, they might have been more successful." The *Journal* rises to a most stupendous height of bombast: "Maryland independent in her Resources—superior by the Excellence of her political and civil Institutions to the Rage of internal Commotion—Maryland the informed, the benevolent, and the wise, who can bestow Advantages without an Equivalent but in the Consciousness of advancing Public Felicity, has opened her Bosom to the Embraces of her sister States, has erected the Seventh Pillar upon which will be reared the glorious Fabric of American Greatness, in which Fabric the Rights of Mankind will be concentrated as to their native Home. O, May the happy Moment soon arrive, when the august Temple of Freedom shall be supported by thirteen Pillars, with its gates unfolded to every Part of Creation, may its Duration be as permanent as Time and its Period engulfed only in the Bosom of Eternity."

After the vote to ratify, on Saturday afternoon, Paca rose and again proposed his amendments, declaring "that he had only given his assent to the government, under the firm persuasion and in full confidence that such amendments would be peaceably obtained, so as to enable the people to live happily under the government, that the people of the county he represented (and that he himself) would support the government with such amendments, but without them his constituents would firmly oppose it, he believed even with arms."

The majority "did not deem the proposed amendments necessary to perfect the constitution," but some of them thought that though, in their conventional capacity, they could not propose amendments in behalf of the people, they might, in their private capacities, gratify the wishes of the minority and make certain propositions to the people. "Aristides" thought this "novel distinction" between the convention, "acting in virtue of its delegated powers," and its members as a body, "acting agreeably to the common right of citizens," was a false one, but it "was admitted without reflexion," after a "short and perplexed debate." He argued that, until the convention dissolved, the members would not act nor "be supposed acting in their private character, and that any proposition to go from them as private individuals, should be made after dissolution of the body." The convention, however, did not perceive the entanglement into which they were falling and passed the following resolution, by a vote of sixty-six to seven: "Resolved that a committee be appointed to take into consideration and report to this house on Monday morning next, a draught of such amendments and alterations, as may be thought necessary in the proposed



Constitution for the United States, to be recommended to the consideration of the people of this State, if approved of by this Convention." Thirteen members were placed on the committee. Of these Thomas Johnson, Thomas Sim Lee, and Richard Potts from Frederick County, Robert Goldsborough from Dorchester, James Tilghman from Queen Anne's, Alexander C. Hanson from Annapolis, William Tilghman from Kent, James McHenry from Baltimore Town, and George Gale from Somerset were Federalists; while William Paca from Harford, and Samuel Chase, Jeremiah T. Chase and John Francis Mercer from Anne Arundel were Anti-Federalists. When we consider the small number of the minority, we perceive that they were not treated ungenerously in forming the committee. We may also note, that no heed was paid to county delegations in forming it.

Paca's proposed amendments were referred to the committee, and the convention adjourned until Monday. It seems that this plan of proposing amendments to the people was favored by some amiable Federalists like Johnson, who "imagined all opposition in Maryland would cease thereby." That Saturday evening Hanson was busy. He thought that no amendments were necessary and that the convention had been thrown into embarrassment. He saw the other Federal members of the committee and they mutually "communicated to each other their ideas and considered the necessity of accommodating themselves to a disagreeable situation, resulting from an earnest and perhaps unparalleled disposition in a great representative body to gratify and conciliate a few men opposed to the general sense of the State. They thought nothing contained in the propositions to the people should hold out any idea of the propriety of changing the Constitution in any essential part, although they might go so far as to explain it agreeably to what its friends thought was the true construction and to restrain Congress from doing, what on a true construction it has no power to do, or which if it had, its own policy would not permit it to perform. They hoped that, by going thus far, the Convention would be extricated from its embarrassment and, perhaps, the enemies of government would desist from their opposition."

On Sunday morning, the committee met and considered Paca's amendments. After two of the propositions had been approved, Hanson<sup>1</sup> said, "As they had met on a principle of conciliation, he wished, before they went further, an explanation might take place, as there had been doubts entertained from general expressions in

<sup>1</sup> He does not name himself, but I think his narrative shows clearly that he was the man.



the plan of government, which were supposed by some men to give Congress discretionary powers, and as some explanation of these might tend to quiet apprehensions, he should probably agree to such amendments, as might have that effect without endangering the Constitution, provided they should go forth as the act of private individuals and provided no others be attempted, than should be agreed to in this Committee. He wished it to be understood that he should agree to no more than the two already acceded to, except *sub modo*." No direct answer was made to this and Hanson voted against all subsequent amendments. Chase stated that "the committee ought to proceed and endeavor to agree to the amendments which the Constitution requires and that, if they could not agree, each man would be at liberty to take in the convention, or any other place, the part he might think proper." But Hanson thought it was the wish of all to report something, which all might maintain in convention. On Monday morning, the committee met again and found that they had agreed to report thirteen amendments based on Paca's, and that they had rejected fifteen more. The majority now insisted that, if they should support the thirteen amendments agreed to, "both in their public and private characters, until they should become a part of the general government," the minority should lay before the convention no amendments, "except those the Committee had so agreed to." The minority agreed to do this and to "give all their assistance to carry into execution" the new government, if the committee would add to the thirteen amendments three more, which they had previously rejected. These three amendments provided that the militia, without the consent of the state authorities, or unless selected by lot, or voluntarily enlisted, should not be marched beyond the limits of an adjoining state; that Congress might not interfere in elections of its members, unless a state should fail to provide for them; that a state might pay in a lump sum, within a limited time after the levy, direct taxes levied on its citizens. If the committee would not approve these three propositions, they desired to take the sense of the convention upon them and would hold themselves bound by the decision of that body. The committee refused to accept the three propositions, by a vote of eight to five, Johnson voting with the four Anti-Federalists.<sup>1</sup>

One of the majority, probably Hanson, had brought in to the committee an address to the convention, to be prefixed to whatever amendments might be proposed.<sup>2</sup> It stated that the authority of

<sup>1</sup> He had prepared and submitted it to the majority before the Sunday meeting.

<sup>2</sup> All these amendments are to be found in Elliot's *Debates*, II. 550-553. The three which the minority especially urged read as follows:

1. That the militia, unless selected by lot, or voluntarily enlisted, shall not be

the convention had expired with the ratification; but, "as it is essential to the proper administration of government, that it possess the approbation of every part of the community," the members have brought in propositions, "which may tend to quiet the apprehensions of those who think additional security is needed." They hold themselves "incompetent, till there had been experience of the operation and the inconveniences, to ascertain the defects with precision and certainty and they knew not what would please their constituents." They moreover do not agree concerning the alterations, and therefore do not give a decided opinion upon any of them, but point the "serious attention and mature deliberation" of the convention to this subject. If any alterations should suit the convention, the committee wish that the former body would put them "in constitutional train to make them part of the Constitution." No one objected to an address, but Chase said that, although he objected to a part of this and it was not regular, yet it was a matter of little importance, provided it should be so worded as to give no offence and cast no reflection. After the rejection of the three propositions, which seem to have been their ultimatum, the minority objected to the address, "as no such matter had been referred." The chairman of the committee, who was Paca himself, suggested that the committee might return to the house and apply for authority, when they reported their approval of the thirteen amendments. The majority feared that this would defeat their purpose of making the propositions merely for the consideration of the people, without giving the weight of the convention's opinion in behalf of them as necessary, save for conciliation. Consequently, nothing was done in the matter.

Some of the majority now said "that, in acceding to any propositions which had been made, they had constantly kept in view the address, which was to accompany them, for the purpose of explaining that they were submitted on the principle of accommodation and with a view to quieting apprehension, and that they never once conceived amendments necessary to perfect the plan of Government and that they would not have voted for amendments to be held out in that light."

marched beyond the limits of an adjoining state, without the consent of their legislature or executive.

2. That the Congress shall have no power to alter or change the time, place, or manner of holding elections for Senators or Representatives, unless a state shall neglect to make regulations, or to execute its regulations, or shall be prevented by invasion or rebellion; in which cases, only, Congress may interfere, until the cause be removed.

3. That, in every law of Congress imposing direct taxes, the collection thereof shall be suspended for a certain reasonable time, therein limited; and on payment of the sum by any state, by the time appointed, such taxes shall not be collected.



The minority insisted that, "as the Committee had agreed to a number of propositions," they ought to be signed and reported. To this the majority replied, that "if any member had voted on a misconception of the footing on which the propositions were to go to the people, he should, on finding his mistake, have an opportunity of retracting and the propositions ought to be reconsidered. . . . After going through them one by one, it was proper to take a vote upon the whole together. The committee did not before seem fully to comprehend each other. On the principle of accommodation, the expedient of submitting propositions to the people might be proper, providing that an accommodation did really take place. A great deal of mischief might result if, after both sides had agreed to certain propositions on that principle, other propositions were to be made on which men would be divided. If after the committee had concluded, the convention were to go on without hesitation, to consider amendments to every part of the Constitution, nothing but confusion could follow, and it would be far preferable to abandon the scheme of accommodation and make no report." Chase then said, positively, that "he should think himself at liberty to propose to the Convention whatever he might esteem proper, in addition to the report, and to oppose anything it might contain."

While this argument was proceeding, the convention was growing impatient.<sup>1</sup> A resolution was adopted "that the Proceedings of this Convention to the Vote for assenting to and ratifying the proposed Plan of Federal Government for the United States and the Yeas and Nays be fairly engrossed, signed by the President and attested by the Clerk and Assistant Clerk, and that the President request the Governor and Council to transmit the same Proceedings, together with the ratification of the same Federal Government, subscribed by the Members of this Convention, to the United States in Congress assembled."<sup>2</sup> It is clear that this motion was passed so that any amendments, which might be reported by the committee and adopted by the convention, should not be reported to Congress, or the other states, but to the people of Maryland alone. The minority appear to have made no opposition to this motion, which agreed with the general understanding of the members.

They repeatedly called on the committee to return, and that body, finding it impossible to come to an agreement, finally rose, without a final vote being taken by the chairman. On returning to

<sup>1</sup> A motion was made but seemingly not passed "to consider of no propositions for amendment of the federal government, except such as shall be submitted to them by the Committee." Elliot's *Debates*, II. 554.

<sup>2</sup> This is why the record in *Documentary History of the Constitution* stops short of the final adjournment. *Maryland Journal*, May 2; *Gazette*, May 24, 1788.



the convention, Paca, as chairman, stated what had passed, read the thirteen amendments which had been adopted, and the three which had been the minority's ultimatum, and "assigned the reason why no report had been formally made. Though they had acceded to some of the propositions referred to them, nevertheless they could come to no agreement as to making a report."

There seems to have been some debate on the matter.<sup>1</sup> One of the majority of the committee is stated to have said: "If no amendments were referred to the people, their idea would be that the Constitution was perfect in the opinion of the Convention and, therefore, needed no amendment. The proposal to submit amendments was only admitted to conciliate the minority, but it might involve the convention from one amendment to another, not knowing where to stop. . . . They had agreed to decide on the whole Constitution, not upon its parts, and, if they agreed to a number of amendments, the opponents of the government would gain an advantage, by being able to represent that its friends admitted it needed amendments and was greatly defective."<sup>2</sup> The people of Maryland would think that the convention ought not to have ratified without condition, or previous adoption of amendment, and the federal forces in Virginia and the other close states would be weakened by this example of Maryland. The debate did not last long, however, for the majority were determined and would permit no delay. A vote of thanks to President Plater had been read once, while the committee was out, and a delegate now rose and moved to give this motion a second reading. The minority called for the previous question and asked that the yeas and nays be taken. The convention rejected both motions and passed the vote of thanks.

A motion was then carried "that the Convention adjourn without day" and the struggle was over. On this last motion, the vote was 47 to 27. The minority voted solidly against it and fifteen of the majority joined with them, but the predominance of the Federalists was so great, that they won easily, in spite of this defection. Daniel Carroll summed up the whole story in one sentence:<sup>3</sup> "Mr. Johnson's Accommodating disposition and respect to his character led the majority into a situation, out of which they found some difficulty in extricating themselves." Alexander Contee Hanson, probably, was the chief mover in the majority's final policy. The opposition was so entirely led by its able members from Anne Arundel

<sup>1</sup> *Annapolis Gazette*, May 15; *Baltimore Gazette*, May 13, 1788.

<sup>2</sup> Bancroft, *History of the Constitution*, II. 282, says that McHenry wrote Washington that the amendments were adapted to injure the cause of Federalism in Virginia.

<sup>3</sup> Letter to Madison, May 28, 1788.

County, that Daniel Carroll is almost correct in writing,<sup>1</sup> that: "If the Anne Arundel election had not taken the extraordinary turn it did, I may say there would not have been a straw of opposition, perhaps adoption would have been unanimous."

There was great rejoicing in the Federal camp over Maryland's action. The friends of the Constitution hastened to inform their friends in other states.<sup>2</sup> A great illumination<sup>3</sup> and firing of cannon took place that Monday evening in Annapolis. A ball was given at the Assembly Room and a dinner at Mann's tavern, at which nearly two hundred persons were present. Thirteen cannon were fired at each of the thirteen toasts. The capital had sent to the convention the protagonist of the victorious forces<sup>4</sup> and rejoiced in their victory.<sup>5</sup> In Baltimore town, the joy was equally great.<sup>6</sup> The *Gazette* had an editorial—an unusual thing—on the ratification, warmly commending it and saying: "Thus by the assent and ratification of this State, there is now the fairest prospect that the Federal Government will be established in America." On May 1, there was a great procession through the streets. It was estimated that three thousand men were there, the trades' display was large, and in the line was Joshua Barney with the mimic ship *Federalist*. This vessel is thus described: "Being the seventh ship in the line and having weathered the most dangerous cape in the voyage, she lay to under seven sails, during the repast on Federal Hill, throwing out signals and expecting the arrival of the other six." The procession formed at Philpott's Hill, adjoining the Play-house, passed through Fell's Point and then, by way of Hanover Street, arrived at Federal Hill, where a dinner was served and thirteen toasts<sup>7</sup> drunk. At night there was an illumination and a ball.

<sup>1</sup> Letter to Madison, April 28, 1788.

<sup>2</sup> Carroll to Madison, April 28, 1788.

<sup>3</sup> The Federal members of the convention each contributed a guinea for this purpose.

<sup>4</sup> *Maryland Journal*, May 21; *Annapolis Gazette*, May 1, 1788.

<sup>5</sup> The list of toasts is interesting: 1. The United States and Congress; 2. Louis XVI. and the Friendly Powers of Europe; 3. The State of Maryland and the Present Convention; 4. The Late Federal Convention; 5. General Washington (his portrait was exhibited and received with a general burst of applause); 6. Marquis LaFayette; 7. The Memory of the Brave Officers and Soldiers who Fell in the Revolution; 8. May Agriculture, Manufactures and Commerce Flourish in the United States; 9. Success to Useful Learning and Arts and Science; 10. The Late American Army and Navy; 11. Count Rochambeau and the French Army in America; 12. May our Public Councils be Actuated by Wisdom and Patriotism; 13. May all States Join Heartily in Federal Government.

<sup>6</sup> *Gazette*, May 6, 28. *Journal*, May 6. A note in the *Journal* calls attention to the fact that the aggregate vote in the seven state conventions is 760 to 240, or two-thirds, and that the seven states which have ratified contain 1,467,000 taxable and representable inhabitants.

<sup>7</sup> The eighth was to the "Virtuous Sixty-three," who signed the ratification.



The popular interest in the celebration was such that an account of it was printed in two successive numbers of the *Journal* to supply the demand.

On May 6, four hundred people of Dorchester County<sup>1</sup> met at Cambridge, "to congratulate each other on the accession of Maryland to the new federal constitution and testify to their countrymen their approbation of the conduct of their delegates in the Convention." There were the usual firing of cannon and dinner, which was "free from riotous and disorderly disposition." In the evening, the "streets were crowded with admiring spectators" to see the illumination, the town being "in a perfect blaze with the lustre and brilliancy of the light."<sup>2</sup>

Other celebrations may have occurred, of which there is no record,<sup>3</sup> and I feel sure that the general sentiment of the people was voiced by the *Baltimore Gazette*:<sup>4</sup> "The general unanimity of the people of this State on the late important and interesting political question, together with the unanimity of our convention, is a most conclusive proof of their federalism. This agreement in sentiment was not the consequence of an hasty and partial investigation of the subject, but the result of mature deliberation. All the necessary information was had to give the general government a fair trial and in no instance has the State been less divided than in its adoption. The unanimity in the Convention suppressed the necessity of debate and upon a moderate computation has saved to the public the sum of £4000."

Outside of the state, the joy of the Federalists was equally great. In the South Carolina convention, a member rose and said he had opposed the Constitution, but would now vote for it, since the voice of Maryland had been decisive for its adoption.<sup>5</sup> Washington wrote to Madison that Maryland's decision was a thorn "in the sides of the leaders of opposition" in Virginia, and that Maryland's "very short session will, if I mistake not, render yours less tiresome."<sup>6</sup>

<sup>1</sup> *Journal*, May 16, 1788. Col. John Eccleston was president of the day.

<sup>2</sup> The thirteen toasts here were: "1. The United States; 2. Maryland and the Convention; 3. George Washington; 4. The Memory of Greene; 5. LaFayette; 6. Memory of Fallen Officers and Troops; 7. The Philadelphia Convention; 8. The Minority of Massachusetts; 9. States that have ratified; 10. A speedy and compleat ratification; 11. Farmers, Mechanics and all virtuous citizens of America; 12. Faithful and punctual Compliances with all public and private contracts; 13. May wisdom, justice and prudence direct all our councils."

<sup>3</sup> *Maryland Journal*, May 30, 1788.

<sup>4</sup> May 9, 1788.

<sup>5</sup> *Maryland Journal*, June 6, 1788.

<sup>6</sup> May 2, 1788. *Writings*, XI. 259. Apparently no member of the Maryland convention favored a consultation with Virginia prior to ratification. Bancroft's *History of the Constitution*, II. 281.



The minority of Anti-Federalists were not yet silenced. On May 6, they published in the newspapers that address to the people of Maryland,<sup>1</sup> which is reprinted in Elliot's *Debates* and is the best known record of the convention's proceedings. In this address are found the proposed amendments. These were published, that the people "may express your sense as to such alterations as you may think proper to be made in the new Constitution." The minority remain persuaded of the importance of the alterations proposed. They "consider the proposed form of national government as very defective and that the liberty and happiness of the people will be endangered, if the system be not greatly changed and altered." It is significant, however, that not one of the fifteen Federalists who voted with the minority on the final motion to adjourn, is found among the signers of this paper.

On May 9, the papers<sup>2</sup> contain the announcement that the address of the minority misstated some facts and omitted others and that an answer from the majority will soon appear. The convention came together "without any other avowed object or wish, than to adopt the constitution without delay and then retire peaceably to their homes." This address was prepared by Hanson, but was never published. By the time that it was ready, the committee was scattered and apparently it was never shown to the other members of the majority. Hanson declared that it was prepared from a draught taken from the minutes the day after the convention adjourned, by three members of the majority in the committee, and approved as true by two more of them. In the preparation of it, Hanson was delayed by sickness and, as it was never printed, it would probably have been destroyed, had not Daniel Carroll heard of Hanson's work and asked that a copy of it be sent to Madison.<sup>3</sup> This was done by Hanson, not that it might be published, but that it might be used, in "giving spirits to the friends of good government, or by discouraging its enemies, who may look for countenance and support from the people of Maryland." Virginia was in the midst of her great struggle and Hanson thought that perhaps it might be suggested there by the Anti-Federalists, "that the people of Maryland are dissatisfied and will join Virginia in a plausible scheme

<sup>1</sup> Paca signed it, and the other eleven Anti-Federalists.

<sup>2</sup> In the *Baltimore Gazette* for May 2, 9, 20 and 23, and June 6, 13 and 20 are long articles on the Constitution by "Fabius." On May 9 an Anti-Federal article is copied from a New Hampshire paper. On May 26 and 30 two Federal articles advising Virginia to ratify appear in the *Gazette*. On July 11 "Wessex" sends an Anti-Federal article. In the *Journal* for May 6, 13, and June 13 are minor articles.

<sup>3</sup> It is now among the Madison papers in the Department of State at Washington, where I consulted it. Hanson's letter is dated June 2, 1788. I desire to express my sense of gratitude to Mr. S. M. Hamilton of that Department for his courtesy.

for a second general convention to propose an entire new plan, or propose alterations." "Such a suggestion," Hanson wrote, "would be destitute of rational grounds" and the people of Maryland would "spurn at a proposition, calculated to produce so much incurable mischief." They consider "their political salvation depends" on the Constitution's success. "All that the Maryland Convention might be ashamed of, would be that it manifested a transient inclination to adopt improper means for attaining a valuable end." "It is now attacked for not exercising assumed power, agreeable to the sentiments of a small minority and contrary to the known sense of the people." The minority's address tries to give the public an "idea that the convention were studious to conceal the conduct of the delegates from the people of the several counties, that they precluded themselves from the means of information, and ratified the proposed plan with indecent and fatal precipitation." The committee on amendments are accused of "deceiving the minority, effecting a premature dissolution of the body, and abandoning the dearest rights of their constituents to an arbitrary power." The purpose of the minority's address is to "persuade the people that the proceedings of the convention are not conclusive or binding."

In his reply, Hanson had tried not to "agitate the great question already determined," first by the people in the counties and second by their representatives, "chosen and convened for that express and only purpose"; but rather to free the majority "from gross and unwarrantable interpretation of their conduct." The majority may not wilfully misrepresent, but they make certain slight mistakes and omit material circumstances. Hanson's account is of great value and has been used freely in this paper.

That the Anti-Federalists tried to induce the people to consider the convention's ratification as not final<sup>1</sup> is seen in a long article in the *Journal* of May 16, signed "Republican." He asserts that the "common class" of people knew little of the Constitution. The two thousand copies of that document printed by order of the Assembly were too few to go far. The Annapolis paper is of small circulation, and the two Baltimore ones are never seen on the Eastern Shore, while the severe weather during the past winter prevented any newspapers from being sent over thither. Of the 25,000 voters<sup>2</sup> in the state, only 6000 voted at the election, and 4000 of

<sup>1</sup> Daniel Carroll writes to Madison, May 28, that the minority were trying to get signers to a memorial to the Virginia Convention, that Luther Martin said in his "tavern harangues that more than twenty members of the Convention favored Kingly government," and that Mercer maligns Daniel Carroll and "tergiversates." He regrets Johnson's falling away from the majority.

<sup>2</sup> He says *viva voce* vote is preferred to ballot by Maryland's constitution.



these votes were cast in Baltimore town and seven of the counties. The rich and wealthy worked for the Constitution to prevent the loss of their debts and, in some counties, the opposition had named no candidates. But as proof that the ratification is not final, he alleges that two successive general assemblies must authorize the adoption of the Federal Constitution, as it alters the state constitution and so must be passed in the same manner as any other amendment. In pursuance of this thought, he urges the people to choose, as delegates to the coming legislature, men opposed to the adoption of the Constitution, as they will vote to amend it. The Federalists had already taken up this matter and were especially active in trying to defeat Chase in Baltimore town.<sup>1</sup> His defenders used the curious argument that, when elected by Federalists in Baltimore, he would be bound to support Federal measures, as he had been to support Anti-Federal measures, when elected by Anti-Federal votes in Anne Arundel County.

The Federalists did not fail to answer the claim that the ratification was not final. The opposition had tried to show that the framers of the Constitution were "vile conspirators,"<sup>2</sup> to have the ratification in different form from that proposed at Philadelphia, and to have the convention propose amendments. Foiled in all these purposes, they clutch at a straw. Maryland *has* accepted all changes in her state constitution, by the convention's ratification. The Federalists point out that, as the other states have different provisions for amending their constitutions, an acceptance of the Anti-Federalist contention would delay the going into effect of the Constitution for four years or so.

The struggle was decided by the election for delegates, in which the Federalists won a decided victory. The presidential electors and the United States Senators chosen were Federalists, and the people of Maryland showed that they intended their ratification of the Constitution to be final. The mutterings of discontent gradually disappeared. The Anti-Federalists welcomed the proposals<sup>3</sup> to publish the proceedings of the convention, since these would show how rashly the majority acted; but, apparently, the pamphlet never appeared and popular interest in the subject died away. The news of South Carolina's ratification was greeted in Baltimore town by firing of cannon on Federal Hill and a dinner at Mrs. Grant's, and

<sup>1</sup> *Maryland Journal*, May 9, June 10; *Gazette*, May 23, 27, June 20

<sup>2</sup> *Journal*, May 20. The *Gazette*, June 3, says that the changes from the Confederation to the Constitution are in the direction of centralization and cites the omission of the names of states from the preamble as proof of this.

<sup>3</sup> *Baltimore Gazette*, June 3, 27; *Journal*, May 23. The price was to be 8/4; the reporter was Mr. Lloyd.



the same procedure was followed, with the addition of fireworks, when news came that the success of the Constitution was assured by New Hampshire's and Virginia's ratification.<sup>1</sup> As Maryland had begun under Hanson's able leadership, so she continued. Federal feeling was long active there, and the party organization and name were preserved in the state for years after they were discarded elsewhere. The Whig party next included the men with national feelings, and was long dominant in Maryland; and when the dark days of impending disruption came, the state remained faithful to the Union. The foundation of her national spirit was deeply laid.

BERNARD C. STEINER.

WILLIAM PACA'S PROPOSED AMENDMENTS.<sup>2</sup>

That it be declared that all Persons entrusted with the Legislative or Executive Powers of Government are the Trustees and Servants of the Public and as such accountable for their Conduct.

Wherefore, whenever the Ends of Government are perverted and public Liberty manifestly endangered and all other Means of Redress are ineffectual, the People may, and of right ought, to object to, reform the old, or establish a new Government—That the Doctrine of Non-resistance against arbitrary Power and Oppression is absurd, slavish and destructive of the Good and Happiness of Mankind—That it be declared, That every Man hath a right to petition the Legislature, for the Redress of Grievances, in a peaceable and orderly Manner—That in all criminal Prosecutions every Man hath a Right to be informed of the Accusation, to have a Copy of the Indictment or charge in due Time (if required) to prepare for his Defense, to be allowed Council, to be confronted with the Witness against him, to have Process for his Witnesses, to examine the Witnesses for and against him on Oath, and to a speedy trial by an impartial Jury.

That no Freeman ought to be taken, or imprisoned, or deprived of his Freehold, Liberties and Privileges, or outlawed or exiled, or in any manner destroyed or deprived of his Life, Liberty, or Property, but by the lawful Judgment of his Peers, or by the Law of the Land. That no Power of Suspending Laws, or the Execution of Laws, unless derived from the Legislature, ought to be exercised or allowed.

That all Warrants, without Oath, or Affirmation of a Person conscientiously scrupulous of taking an Oath, to search suspected Places, to seize any Person, or his Property, are grievous and oppressive; and all general Warrants, to search suspected Places, or to apprehend any Person suspected, without describing the Place or Person in special, are dangerous and ought not to be granted.

That there be no Appeal to the Supreme Court of Congress in a Criminal Case. Congress shall have no Power to alter or change the

<sup>1</sup> *Gazette*, June 3, July 1.

<sup>2</sup> *Maryland Journal*, April 29, 1788.

Regulations respecting the Times, Places or Manner of holding Elections for Senators or Representatives.

All Imports and Duties laid by Congress, shall be placed to the Credit of the State in which the same shall be collected, and shall be deducted out of such State's Quota of the Common or general Expences of Government. No Member of Congress shall be eligible to any Office of Trust or Profit under Congress during the Time for which he shall be chosen.

That there be no National Religion established by Law but that all Persons be equally entitled to Protection in their religious Liberty.

That Congress shall not lay direct Taxes on Land or other Property without a previous Requisition of the respective Quotas of the States and a failing within a Limited Time to comply therewith.

In all cases of Trespasses, Torts, Abuses of Power, personal Wrongs and Injuries done on Land or within the Body of a County the Party Injured shall be entitled to Trial by Jury, in the State where the Offence shall be committed ; and the State Courts in such cases shall have concurrent Jurisdiction with the Federal Courts ; and there shall be no Appeal, excepting on Matters of Law.

That the Supreme Federal Court shall not admit of Fictions, to extend its Jurisdiction ; nor shall Citizens of the same State, having Controversies with each other be suffered to make collusive Assignments of their Rights, to Citizens of another State for the Purpose of defeating the Jurisdiction of the State Courts ; nor shall any Matter or Question already determined in the State Courts, be revived or agitated in the Federal Courts ; that there be no Appeal from Law or Fact to the Supreme Court where the Claim or Demand does not exceed Three Hundred Pounds Stirling. That no standing Army shall be kept up in Time of Peace unless with the Consent of Three Fourths of the Members of each Branch of Congress : Nor shall Soldiers in Time of Peace be Quartered upon private Houses, without the Consent of the Owners.

No Law of Congress or Treaties shall be effectual to repeal or abrogate the Constitutions or Bills of Rights of the States or any of them or any part of the said Constitutions or Bills of Rights.

[Militia not to be subject to the Rules of Congress nor marched out of the State without consent of the Legislature of such State.

That Congress have no Power to lay a Poll Tax.

That the People have a Right to Freedom of Speech, of writing and publishing their Sentiments and therefore that the Freedom of the Press ought not to be restrained and the Printing Presses ought to be free to examine the Proceedings of Government, and the Conduct of its Officers.

That Congress shall exercise no Power but what is expressly delegated by this Constitution.

That the President shall not command the Army, in Person, without the Consent of Congress.



## CONTEMPORARY OPINION OF THE VIRGINIA AND KENTUCKY RESOLUTIONS

### II.

THE trial of Abijah Adams<sup>1</sup> was conducted by Chief-Justice Dana and lasted through three entire days, the jury rendering its verdict on the morning of the fourth day.<sup>2</sup> Sullivan, the attorney-general, presented the case of the Commonwealth. The prosecution<sup>3</sup> as he presented it "had no connection with the Sedition Act of Congress," but was "under the common law of the State." The articles set forth in the indictment were libels against the General Court of Massachusetts, for "the common law of the country, which was common reason, prohibited such outrages" albeit there was no statute defining libels upon the government. In support of this doctrine the attorney-general argued that the offense described in the indictment was indictable by the common law of England. To obviate the objection that such an action would be an infringement of the freedom of the press, Blackstone's definition, that liberty of the press meant only freedom from restraint prior to publication, was appealed to as authoritative. If the offense charged in the indictment was libellous by the common law of England, the conclusion that it was punishable in Massachusetts was easily reached. The first settlers in Massachusetts brought that doctrine to America with them as a part of the common law.

For the defense, Messrs. Whitman and George Blake presented three lines of argument: 1. The defendant, being merely employed in the office of the *Chronicle*, was not the real culprit, if there be one; 2. The matter set forth in the indictment was not libellous; 3. Under the constitution of Massachusetts no indictment can be maintained for a libel against the government of the state. Two of these lines of argument possess great interest. The second shows incidentally the opinions of leading Massachusetts Republicans in regard to the constitutional doctrines of the Virginia and Kentucky Resolutions, as expressed in a carefully considered argument before

<sup>1</sup> In the following account of the trial the elaborate argument, published in the *Chronicle* from April 11 to May 2, 1799, is followed unless some other authority is cited.

<sup>2</sup> *Massachusetts Mercury*, March 8, 1799; *Columbian Centinel*, March 6, 1799.

<sup>3</sup> *Massachusetts Mercury*, March 8, 1799.



the highest court of the state. The third places in a clear light the extreme doctrines which Federalist judges of 1799 held in theory and sought to put into practice against Republicans who had sufficient courage to proclaim openly their political convictions.

In developing the second line of argument the attorneys for the defense pointed out that the articles upon which the indictment was based could not be regarded as libellous, except by a process of inference and deduction. If these articles contained the charge that the members of the legislature were guilty of treason, it was only as a conclusion, deduced or inferred from certain constitutional principles. The charge of treason was, therefore, not an impeachment of the individual members of the legislature, but of their principles. Even supposing it a reflection upon the legislature and entirely unwarranted, it was only an expression of opinion, and no man should be punished for mere error in opinion, especially if expressed in connection with the premise from which it was drawn.

Realizing, apparently, that about the only reply that could be made to this argument was to assert that the conclusion was wanton and arbitrary because it had no necessary connection with the premise, the attorneys for the defense proceeded to argue that the conclusion was a fair deduction from the premise. Their argument upon this head began with the assertion that since the formation of the federal government no question "had been the cause of more dissension, than the precise extent of the freedom, sovereignty and independence of the States." Citing the controversy over the suability of the states as an evidence that the line between state and federal sovereignty was not yet sharply drawn, they further contended that for the present case it was not necessary to consider the question whether a state legislature had authority to decide upon the constitutionality of any act of Congress, but only to indicate that in some cases "the existence of such authority would not only be manifest, but the necessity of its existence clear and indispensable." In evidence of this proposition, which is in effect almost the doctrine of the Virginia and Kentucky Resolutions, a hypothetical case was cited wherein the reserved rights of the states would indubitably be violated by a law of Congress; in such a case the state legislatures could not be better employed than in protesting, since a protest might lead Congress to repeal its act. Exactly what would happen in case Congress failed to heed the protest, the attorneys did not indicate. Upon that point they were content to remark, that it was admitted that the state legislatures were not the constitutional tribunals for determining the validity of federal laws "in any other cases than those in which their own sovereignty or power are directly or im-

mediately involved." Even in such cases their decisions were not to be regarded as binding upon the federal government. Having thus reached the point at which all state-sovereignty arguments fail, the matter was not pushed to any definite conclusion. No way out of the dilemma was suggested; but the failure of the logic did not prevent further argument intended to prove that the states must possess the right "to maintain within their respective limits all powers, rights and liberties appertaining to them." Summing up the whole matter of the reasonableness of the conclusion from the given premise, the attorneys for the defense said: "On the whole, whatever may be the merits of the question, there appears to be some little force in the sentiment contained in the Virginia Resolutions: 'that in cases of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the states, who are parties thereto, have the right and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them.'"

The second line of argument having shown that the leading Republican newspaper of New England and two of the most prominent Republican lawyers of Boston accepted all or nearly all of the constitutional doctrines of the Virginia and Kentucky Resolutions, we may turn to the third line of argument to learn how the Federalist chief-justice defined liberty of the press for Republican newspapers. The defense maintained that under the constitution of Massachusetts there could be no such thing as a libel upon the government of the state. Admitting that the English practice had been correctly stated they contended that the same rule did not prevail in Massachusetts. The whole body of the common law of England had not been adopted in Massachusetts; an exception had been made by the constitution of such parts as are "repugnant to the rights and liberties contained in this constitution." The question whether the English common-law rule was repugnant to the constitution was a fair problem for the court and the jury. To assist the court and the jury in determining that problem the defense made the point that no statute had been made by either the colony or the province for punishing such libels, denying also that the cases cited by the attorney-general were in point. Making the further admission, for the sake of argument, that the English rule had prevailed in Massachusetts prior to the Revolution, the defense urged that the events of the Revolutionary period had effected a change in the common law upon the subject of libels against the government. Blackstone's definition, that liberty of the press consists only of free-



dom from restraint prior to publication, was unsuited to the spirit of American institutions. As a better definition of liberty of the press the defense offered to read a passage from John Adams's *Canon and Feudal Law*.<sup>1</sup> This definition the chief-justice refused to hear, finding excuse that it was published anonymously, that "it was unusual and improper to submit any matter to the jury unsupported by regular authority," and that speculative productions, written at a period of disorder and commotion, "however respectable and illustrious the author," should not be admitted.

After the refusal of the chief-justice to listen to any definition of liberty of the press other than that which obtained in England, one would like to know in what terms he defined that subject to the jury. Presumably he adopted the English rule without material qualification, for a verdict of guilty was rendered in accordance with that principle. The prisoner was sentenced to thirty days' imprisonment, payment of the costs of his trial, and to make a recognition in the sum of five hundred dollars to keep the peace and maintain a good behavior for one year.<sup>2</sup> Before sending the prisoner away to jail the chief-justice seized the occasion to deliver a long harangue, in the course of which he declared himself emphatically upon what he called "the monstrous positions" of the Virginia and Kentucky Resolutions.<sup>3</sup>

The imprisonment of Abijah Adams was the most flagrant but not the only instance of the persecution of Massachusetts Republicans for their attitude against the reply to Virginia and Kentucky. Both of the Republican legislative leaders suffered much annoyance at the hands of Federalist zealots. The incidents, though trivial in themselves, are interesting for the light which they throw upon the methods by which the Federalist leaders retained their control over Massachusetts. Bacon, the Republican senator who had unaided opposed the passage of the reply, was held up to ridicule in the Federalist press as the Solitary Nay, a character altogether too contemptible for punishment.<sup>4</sup> Being defeated for re-election to the Senate, Bacon offered himself as a candidate for the House in the town of Stockbridge. A few days before the election a communication appeared in the *Centinel*,<sup>5</sup> professing to recount an incident in Bacon's early life which the voters of Stockbridge ought to be in-

<sup>1</sup> This passage is in John Adams, *Works*, III. 456-459.

<sup>2</sup> Manuscript records of the Massachusetts Supreme Judicial Court, Vol. 1799, folio 183, No. 8191. The costs amounted to at least thirty-two dollars and thirty-one cents.

<sup>3</sup> *Columbian Centinel*, March 30, 1799.

<sup>4</sup> *Columbian Centinel*, April 27, 1799. This article was copied by nearly all the Federalist papers of the state.

<sup>5</sup> April 27, 1799.



formed of. According to this correspondent, Bacon while minister of the Old South Church in Boston in pre-Revolutionary days had owned two slaves, a husband and wife. Though Bacon had received them into his church-fellowship, when he perceived the likelihood of his losing them by action of the state he sold the husband, who was transported from Massachusetts, never to see his wife again. "This," says the correspondent, "is the man who stands for liberty and equality." Bacon had no difficulty in proving the story false,<sup>1</sup> but the *Centinel* took no notice of that fact.

Dr. Aaron Hill, the Republican leader in the House, lived in Cambridge. One night not long after the end of the session of the General Court, a Federalist mob, composed, the *Chronicle* insinuates, of students from Harvard College, manifested their disapprobation of Dr. Hill's course upon the reply to Virginia and Kentucky by shattering the windows and casements in his house. This outrage, however, redounded to the confusion of the Federalists. When the election for members of the General Court came on, about a month later, the Federalists made Hill and his course upon the reply to Virginia and Kentucky the issue at the largest town-meeting Cambridge had ever known. Hill was returned by three majority, enough Federalists casting their votes in his favor on account of the outrage to secure his election.<sup>2</sup>

It is plain, then, that both the Federalists and the Republicans of Massachusetts took the same general attitude toward the protest and remedy of the Virginia and Kentucky Resolutions as did the members of their respective parties in the Middle States. The Federalists manifested an utterly imperious and intolerant demeanor towards their Republican opponents. The imprisonment of Adams indicates that the Federalists were ready upon the slightest provocation to treat opposition to the policy of the administration, whether federal or state, as a crime. That case certainly does much to explain why Jefferson and other Republican leaders could fear that republican institutions were about to be overthrown.

The Rhode Island newspapers furnished their readers with no original thoughts upon the Virginia and Kentucky Resolutions and with but little information about the manner in which the legislature of the state handled them. The legislature met at East Greenwich on February 18, and nearly all that can be learned of their proceedings for the entire session is that before adjourning on March 9 two sets of resolutions were passed in reply to Virginia and Kentucky.

<sup>1</sup> *The Western Star* (Stockbridge), May 20, 1799. A. A. S. This was a Federalist paper.

<sup>2</sup> *Columbian Centinel*, May 8, 1799; *Chronicle*, April 11, 1799.

These replies are identical, except in the matter of dates and names, and the vote upon them, unanimous in the Senate and lacking but one of unanimity in the House, would indicate that there was no debate.<sup>1</sup> The brevity of the replies, according to the *Providence Journal*, is due to the fact that other states having entered fully into the reasons for dissenting from Virginia and Kentucky nothing was thought necessary but "an expression of opinion, and of a few general principles on which that opinion was founded."<sup>2</sup>

In Connecticut the newspapers printed so many documents and articles bearing upon the Virginia and Kentucky Resolutions that their readers must have become quite familiar with them. But among these articles I have been able to find no original discussions and but very little about the action of the state legislature upon the resolutions. While the legislature was in session none of the Connecticut papers published any accounts of its proceedings; after it had adjourned, the *Connecticut Courant* had a long account, evidently written by a member.<sup>3</sup> This article, copied by all the other papers, constituted their only account of legislative affairs. One paragraph in this article contains all that can be learned about the replies to Virginia and Kentucky, save what is shown by the documents themselves.

Opposition to these replies was expected by the Federalists, for there were some fifteen or sixteen "Jacobins" in the House, though some of these were "half-way characters." But the answers met with no resistance, most of the Republicans absenting themselves during the vote. The reply to Virginia<sup>4</sup> passed both houses unanimously, while that to Kentucky encountered but two negative votes in the House and none in the Senate. The reply to Kentucky<sup>5</sup> declares that attempts to form a combination of state legislatures for the purpose of controlling the policy of the federal government are foreign to the duties of state legislatures, contrary to the principles of the Constitution, and calculated to introduce anarchy by menacing the existence of the Union. But were the assembly permitted to pass upon the measures of the federal government, it would pronounce the Alien and Sedition Laws constitutional and meriting its entire approbation. In this reply, as also in that to Virginia, the Federalist members of the Connecticut assembly expressed their dissent to both the protest and the remedy of the

<sup>1</sup> *The Newport Mercury*, March 5, 1799. H. U. *Acts and Resolves*, February session, 1799, pp. 17, 18; Elliot's *Debates*, ed. 1836, IV. 558.

<sup>2</sup> March 6, 1799. H. U.

<sup>3</sup> June 6, 1799. A. A. S.

<sup>4</sup> Elliot, IV. 564.

<sup>5</sup> *Infra*, pp. 247, 248.



Virginia and Kentucky Resolutions, while the Republicans by their absence showed that they could not accept it entire.

New Hampshire, as regards the Virginia and Kentucky Resolutions, was the banner state of Federalism. The Federalist newspapers there added little if anything to the discussion of the principles involved, but their comments show a determined front. The *Federal Miscellany*, of Exeter,<sup>1</sup> accepting the Virginia Resolutions as a threat to arm the militia of Virginia against the federal government, retorted that an allusion to force was improper in a discussion upon matters of government, but Virginia will find her sister states "as able in the field as in the cabinet."

When the resolutions of Virginia and Kentucky reached Governor Gilman the winter session of the legislature was over and, in consequence, the legislative reply of New Hampshire was delayed until June. On the fifth of that month Governor Gilman submitted the resolutions to the legislature, remarking that they appeared to him "of a very extraordinary nature," but that delicacy towards sister states prevented him from making any observations upon them.<sup>2</sup> But the legislature evidently did not share in the governor's feeling on the point of delicacy, for it promptly and decisively expressed its observations in very blunt fashion. One reply,<sup>3</sup> addressed to both Virginia and Kentucky, sufficed for the declaration that if the legislature of New Hampshire "for mere speculative purposes" were to express an opinion it would be that the Alien and Sedition Laws were constitutional and "highly expedient"; and that the state legislatures were not the proper tribunals to decide upon the constitutionality of laws enacted by the federal government, that duty being "properly and exclusively confined to the judicial department." This reply, an emphatic demurrer to both the protest and remedy of the Virginia and Kentucky Resolutions, was passed unanimously by both houses. None of the New Hampshire newspapers give any accounts of the proceedings of the legislature upon this reply and, in consequence, I am unable to offer a satisfactory explanation of the unanimity. The attitude of the Republicans elsewhere warrants the conclusion that the Republicans of New Hampshire could not have entirely endorsed the reply to Virginia and Kentucky. Being few in number, probably they absented themselves, as in Connecticut, or remained silent.

Of the replying states Vermont was the most tardy. Its General Assembly did not meet until October 10, 1799, but the spirit of Vermont Federalism, as connected with the Virginia and Ken-

<sup>1</sup> February 13, 1799. H. U.

<sup>2</sup> *Courier of New Hampshire*, June 15, 1799. H. U.

<sup>3</sup> Elliot, IV. 564-565.



tucky Resolutions, manifested itself earlier. In May there was a rumor that Matthew Lyon, the leader of the Vermont Republicans, who was then serving out a sentence under the Sedition Law, contemplated removal to Kentucky. This announcement led to a characteristic paragraph in a Federalist paper published at Vergennes.<sup>1</sup>

"The passage of the great beast [Lyon] and his whelps to that land of paddyism (Kentucky) would be a curious spectacle for the northern and middle states. To drain this state of one thousand families of *his followers* might be a clear saving of as many halters to this Commonwealth, as well as much expense to towns in providing for the poor, taking up vagrants, would save the girdling of orchards, and still leave the state as much good order, morality and piety as though no such departure had ever happened! Such an addition to Kentucky must be very interesting, and give new support to future resolutions in their legislature."

When the legislature met, Governor Tichenor submitted the resolutions, observing that, as other states had treated them to "severe comment" or "marked contempt," he had not the slightest hesitation in predicting that the Vermont legislature would express its disapprobation of them in a marked degree. The legislature, in reply, told the governor to be assured that the resolutions would be considered and given the treatment which they merited.<sup>2</sup> On October 14 the assembly requested the governor and council to join them a week later for the purpose of considering the resolutions of Virginia and Kentucky.<sup>3</sup> The invitation was accepted, and three meetings in grand committee were held upon the subject.<sup>4</sup> At the first of these meetings a sub-committee of five were appointed to formulate suitable replies; these were reported at the third meeting and accepted by the grand committee.<sup>5</sup> Subsequently the Council and the assembly adopted the replies separately: in the Council both were adopted unanimously; in the assembly the reply to Virginia received 104 votes against 52, that to Kentucky 101 to 50.<sup>6</sup>

The reply to Virginia<sup>7</sup> was decisive and, considering its brevity, remarkably comprehensive. The reply to Kentucky,<sup>8</sup> on the other

<sup>1</sup> Reprinted by the *Albany Centinel*, May 17, 1799. II. U.

<sup>2</sup> *Records of the Governor and Council of Vermont*, IV. 512-513.

<sup>3</sup> Extract from the Journal of the Assembly given in the *Records of the Governor and Council of Vermont*, IV. 228.

<sup>4</sup> *Records of the Governor and Council of Vermont*, IV. 231, 233, 240.

<sup>5</sup> Extract from the Journal of the Assembly given in the *Records of the Governor and Council of Vermont*, IV. 526.

<sup>6</sup> *Records of the Governor and Council of Vermont*, IV. 242, 529.

<sup>7</sup> Elliot, IV. 565.

<sup>8</sup> *Records*, IV. 526-529.

hand, is long and elaborate, deserving to rank in importance with that of Massachusetts. It is not, like the reply of Massachusetts, a consideration of the general principles involved, but takes up the resolutions of Kentucky one after another and makes reply to them. The fundamental principles of the resolutions of Kentucky contained in the opening declaration are thus epitomized: "That the states constituted the general government, and that each state as party to the compact, has an equal right to judge for itself as well of the infractions of the Constitution, as of the mode and measure of redress." The entire contemporary discussion of the Virginia and Kentucky Resolutions brought out no more significant comment than the answer of Vermont to the doctrine of Kentucky. "This cannot be true. The old confederation, it is true, was formed by the state Legislatures, but the present Constitution of the United States was derived from an higher authority. The people of the United States formed the federal constitution, and not the states, or their Legislatures. And although each state is authorized to propose amendments, yet there is a wide difference between proposing amendments to the constitution, and assuming, or inviting, a power to dictate and control the General Government." This brief reply of Vermont is the only one in all of the answers made by the states which, like the first resolution of Kentucky and the third of Virginia, goes directly to the fundamental question, the nature of the federal union. The declaration of Vermont, properly understood, is not free from all ambiguity on the subject. It does not declare so decisively as to admit of no doubt that the legislature of Vermont thought of the Constitution as ratified by the people of the United States acting *en masse*, instead of as states. But it leans strongly in that direction and absolutely denies the correctness of the conclusion drawn by Kentucky from the opposite premise.

The second resolution of Kentucky pronounced the Alien and Sedition Laws "altogether void and of no force" as contrary to the principles of the Constitution, Amendment X. declaring "that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or the people." To this Vermont rejoined that Kentucky misconstrued and misapplied the amendment, but that even if one adopted the construction which Kentucky put upon that amendment, its conclusion was not warranted. Under that conclusion all the acts of Congress would be brought in review before the state legislatures, while the Constitution of the United States provides that "Congress shall have power to make all laws which shall be proper for carrying into execution the government of the United States."



The third and fourth resolutions of Kentucky were disposed of in the reply of Vermont in a manner which was doubtless entirely satisfactory to the Federalists of the state, but which will not commend itself to candid and unbiassed minds. Kentucky had asserted that the Alien and Sedition Laws were unconstitutional because they infringed upon the reserved rights of the states. Vermont, while purporting to reply to the argument of Kentucky, shifted the ground from the operation of the laws upon the reserved rights of the states to their operation upon the rights of individuals. Thus ignoring the real question, Vermont argued that the Sedition Law was constitutional because a similar law was constitutional in Vermont and the Alien Law also because aliens have no rights under the Constitution.

The remainder of the reply is not so important. The sophistry of the fifth Kentucky resolution was correctly declared and the particular feature of the Alien Act which Kentucky had denounced in its sixth resolution was defended. One omission should be noted. Kentucky in its seventh resolution had made a remarkably cogent argument against a latitudinarian construction of the general-welfare clause of the Constitution. This resolution was the only one to which Vermont failed to reply. The concluding words of Vermont are important as evidence of the spirit in which its reply to Kentucky was framed. Kentucky had remarked in the course of its argument, "that confidence is everywhere the parent of despotism." To this Vermont rejoined in a general declaration which carried with it a concrete application. "The experience of ages evinces the reverse is true, and that jealousy is the meanest passion of narrow minds, and tends to despotism; and that honesty always begets confidence, while those who are dishonest themselves, are most apt to suspect others."

Upon replies so interesting as those of Vermont it is much to be regretted that we have not a full report of the discussion, particularly as the vote in the assembly indicates that there was strong opposition to their adoption. But information is not wholly lacking; on the last day of the session thirty-three members entered upon the journal of the assembly a statement of the reasons for their votes against the replies.<sup>1</sup> From this statement we learn that the reply to Virginia as reported by the sub-committee denied to the state legislatures even the right to deliberate upon the constitutionality of federal legislation, but that this extreme doctrine was stricken out upon the motion of a majority member. The minority objected to

<sup>1</sup> For the text of their statement see pp. 249-252, *post*. A summary and extract are given in *Records*, IV. 529.



the replies because they regarded the Alien and Sedition Laws as both inexpedient and unconstitutional. Unfortunately the statement does not make equally plain the attitude of the minority regarding the other important feature of the Virginia and Kentucky Resolutions, namely, their doctrine of the proper remedy for unconstitutional federal legislation. The minority declared that they could not assent to the view advanced by the majority, that the Virginia and Kentucky remedy was an unconstitutional assumption of power not belonging to the state legislatures. Without stating explicitly its own theory the minority alluded to itself as "advocating the power of each state to decide on the constitutionality of some laws of the union;" this right it limited to laws which "infringe on the powers reserved to the states, by the tenth article of the amendments to the constitution." Nothing was said to indicate the manner in which this right was to be exercised, and an express disclaimer was entered against "an intent to justify an opposition, in any manner or form whatever, to the operation of any act of the union." Such opposition would be "rebellion, punishable by the courts of the United States." From these somewhat contradictory declarations the only conclusion which we are warranted in drawing is that the Vermont Republicans agreed in part at least with their Virginia and Kentucky brethren upon the remedy for unconstitutional federal legislation. Upon a yet more fundamental point, the nature of the federal union, their agreement was complete; the Vermont minority declared "that the states individually, compose one of the parties to the federal compact or constitution."

None of the states south of Virginia sent replies and but little can be learned about the cause of their failure to do so. The legislature of North Carolina was in session when the Kentucky Resolutions reached that state but adjourned before those of Virginia arrived. The Kentucky resolutions were laid before it, but the few notices of its action upon them are so ambiguously phrased that the precise action taken cannot be ascertained. In the Senate the Kentucky Resolutions were certainly read and laid upon the table, where they were permitted to remain without any definite action upon them.<sup>1</sup> About the same time the resolutions were sent to the House, but whether that body endorsed them and sent them to the Senate or took into account the action of the Senate and took no action itself cannot be ascertained.<sup>2</sup> The fact that there was a Republican majority in the lower house and that it passed a resolution calling upon Congress to repeal the Alien and Sedition Laws

<sup>1</sup> *Albany Centinel*, January 22, 1799. H. U.

<sup>2</sup> *Ibid.*

would point to the former course as the more probable. The few notices which I have been able to collect regarding the session of this legislature in the fall of 1799 make no mention of any action upon either set of resolutions.

In South Carolina the legislature adjourned on December 21,<sup>1</sup> too early to have received either set of resolutions. Before it met again in November of 1799 the papers of the state had made the people familiar with the resolutions. On November 28, Governor Rutledge submitted both sets of resolutions to the legislature, but made no comments upon them.<sup>2</sup> Within five days of the end of the session the legislature had taken no action upon them, but beyond that point I am unable to trace the course of legislative proceedings in South Carolina. After the legislature had adjourned the *Aurora*<sup>3</sup> contained an item stating on the authority of a member of the legislature that the session was so short that it left no time for action in the matter, but had any action been taken it would have been favorable. Making allowance for the bias of the *Aurora*, we may conclude that probably the South Carolina legislature failed to act upon the resolutions of Virginia and Kentucky because it sympathized with the protest against the Alien and Sedition Laws but scarcely knew its own mind upon the matter of the remedy.

About the state of public opinion in Georgia and Tennessee even less can be learned than of the Carolinas. The legislature of Georgia was in session in February 1799 and certainly took no formal action expressing disapproval of the resolutions. One item, to be found in many Northern papers, states that the legislature postponed consideration of the resolutions for one session.<sup>4</sup> Although this is not verified by other items, I am inclined to think that it is correct. At the next session, I can find no mention of any action in the matter, though the notices of the proceedings of the legislature are quite complete. Probably no action was taken. For Tennessee nothing can be said except that its legislature sent no reply to Virginia and Kentucky. Various items appeared in the Northern papers purporting to relate what action Tennessee had taken, but they are conflicting and none of them bear any marks of credibility.

From the detailed study which has preceded, the following general conclusions seem warranted :

1. North of the Potomac the Federalists, being in a majority in every state, secured emphatic expressions of disapproval for the Virginia and Kentucky Resolutions, either by legislative replies or

<sup>1</sup> *Carolina Gazette*, *passim*. Wisc. H. S.

<sup>2</sup> *City Gazette and Daily Advertiser* (Charleston), December 10, 1799. H. U.

<sup>3</sup> January 30, 1800. H. U. The sessional *Acts and Resolves* give no evidence of action.

<sup>4</sup> *The Political Focus* (Leominster, Mass.), April 11, 1799. H. U.



other legislative action intended to be even more emphatic than a formal reply. South of the Potomac, where the Republican strength was rapidly rising, it had not yet been sufficiently consolidated to secure expressions of approval for even a portion of the resolutions; but it was strong enough to prevent any formal disapproval of them, as in the North.

2. The replies, formulated everywhere by the Federalists, declare the Alien and Sedition Laws both expedient and constitutional, thus constituting a most emphatic counter-protest to the protesting feature of the Virginia and Kentucky Resolutions. The replies further assert, as regards the remedy hinted at by Virginia and Kentucky, that the states have no right to pass upon the constitutionality of laws enacted by Congress; and nearly all of them, in terms more or less direct, point to the federal judiciary as the proper authority to decide upon the constitutionality of federal laws.

3. The entire reasoning of both the Virginia and the Kentucky Resolutions of 1798 was grounded upon the assertion, plainly expressed in each set of resolutions, that the Union was the result of a compact to which the states were parties. This fundamental doctrine received no attention in any of the replies or the discussions over them, so far as the latter have been preserved, except in the reply of Vermont to Kentucky. It is probable that this assertion of Virginia and Kentucky was more generally accepted in 1799 than it was later; and it is certain that neither the Republican who asserted it nor the Federalist who denied it had any adequate conception of the results to which a logical development of the doctrine would lead.

4. The Republicans, wherever their attitude can be learned, fully endorsed the protesting features of the Virginia and Kentucky Resolutions and accepted in part the reasoning upon which the remedy was grounded, though few went to the full extent of the Virginia and Kentucky doctrines.

When the Kentucky legislature sent forth its resolutions the excitement in that state did not entirely cease. George Nicholas, who with Breckenridge had been the leader of the movement in Kentucky, published a pamphlet early in January 1799 for the purpose of putting the case of Kentucky in proper light. It bore the title *A Letter from George Nicholas of Kentucky to His Friend in Virginia*, and though dated three days prior to the passage of the Kentucky resolutions was really a defense of them. Nicholas denied most emphatically that the people of Kentucky contemplated separating from the Union,<sup>1</sup> and asserted that there need be no fear

<sup>1</sup> Pp. 21-24. H U.



of improper opposition to the federal laws on the part of Kentucky. The laws of which Kentucky complained were of two sorts: one kind was constitutional, but impolitic; the other was unconstitutional and impolitic. The former Kentucky would remonstrate against, but would obey promptly as long as they remained in force. Although the latter might be treated as dead letters, "yet we contemplate no means of opposition, even to these unconstitutional acts, but an appeal to the *real laws* of our country."<sup>1</sup>

This letter by George Nicholas brought out a rejoinder, which was issued at Cincinnati by a writer who signed himself, "An Inhabitant of the North-Western Territory."<sup>2</sup> After a most elaborate defense of the whole policy of the federal administration, this writer called upon unprejudiced men to read the resolutions of Clark County, those of other counties throughout the state, and especially the resolutions of the Kentucky legislature, and then to say whether all these did not tend directly towards securing a dissolution of the Union. In fact Kentucky had refused obedience to the federal laws and so far as it could do so it had dissolved the Union.<sup>3</sup> Then taking up Nicholas's classification of the objectionable laws, the writer argued that the only right of a state legislature touching either class of laws was the right of remonstrance. The second might be brought before the supreme federal judiciary, which is the constituted authority for determining such matters.<sup>4</sup>

Aside from what can be learned from these two pamphlets, little can now be ascertained about the attitude of the people of Kentucky prior to the meeting of the legislature in November, 1799. But the pamphlets, both of which appear to have been well known in the state, are sufficient to show that the feature of the resolutions of 1798 upon which the people of Kentucky had not already expressed their opinions was clearly put before them. Knowing this we may conclude that the legislature elected that fall represented the deliberate opinion of the people of Kentucky upon the remedy hinted in the resolutions of the previous year.

In Virginia the questions raised by the resolutions of 1798 were constantly before the people until after the elections of 1800. Copies of the resolutions and of the address prepared by the legislature to accompany them were sent to each county in the state. To counteract the effect of the address the Federalist minority in

<sup>1</sup> P. 31.

<sup>2</sup> *Observations on a Letter from George Nicholas of Kentucky to his friend in Virginia.* By an inhabitant of the North-Western Territory. Cincinnati, February 14, 1799. H. U.

<sup>3</sup> P. 29.

<sup>4</sup> Pp. 37-39.

the legislature issued a protest.<sup>1</sup> This protest is said to have been written by John Marshall, but it contains little in reply to the remedial doctrines of the Virginia resolutions. The main object of the protest, as its title indicates, was to demonstrate the constitutionality of the Alien and Sedition Laws. Throughout the state the address of the legislature and the protest of the minority were variously received, according to the political sympathies uppermost in the community. In Greenbrier County the court of justices tore the copies of the legislative address into pieces and trampled them under foot;<sup>2</sup> Fairfax County returned its copies to the governor,<sup>3</sup> while Norfolk borough<sup>4</sup> and Pittsylvania County<sup>5</sup> adopted resolutions against the action taken by the legislature. In the Republican counties the address of the legislature was publicly read and the copies distributed to those in attendance upon the court.

The Federalist campaign against the resolutions of 1798 began at once and was never permitted to lag. The circulation of the minority protest was followed up by copying from the Federalist papers outside of the state nearly all that was said or done against the resolutions of the legislature.<sup>6</sup> As the elections approached appeal after appeal to redeem the state went forth from the Federalist leaders. In nearly all of these appeals the resolutions of the preceding year are directly or indirectly made the issue for the decision of the people.

The most elaborate of these appeals was a pamphlet of fifty-six pages, issued as early as February by a citizen of Westmoreland County, who signed himself "Plain Truth."<sup>7</sup> After setting forth the advantages of the Union and the evils which would certainly result from dismemberment, Plain Truth maintained that union was possible only under the existing government. This premise he followed up by a consideration of certain measures which he thought indicated a desire on the part of their promoters to bring about disunion. These measures were, of course, the Virginia Resolutions of 1798. In considering these measures Plain Truth went directly to the fundamental proposition of the third Virginia resolu-

<sup>1</sup> *The Address of the Minority in the Virginia Legislature to the People of that State, containing a Vindication of the Constitutionality of the Alien and Sedition Laws.* Pamphlet, H. U.

<sup>2</sup> *Columbian Mirror* (Alexandria), April 23, 1799. H. U.

<sup>3</sup> *Massachusetts Spy*, April 17, 1799. A. A. S. *Calendar of Virginia State Papers*, IX, 14.

<sup>4</sup> *Calendar of Virginia State Papers*, IX, 20.

<sup>5</sup> *The Virginia Federalist*, September 14, 1799. A. A. S.

<sup>6</sup> A good example of this class of articles will be found in one copied by the *Windham Herald*, April 12, 1799, from the *Virginia Federalist*.

<sup>7</sup> *Plain Truth: Addressed to the People of Virginia.* B. A.



tion, that the Union was the result of a compact to which the states were parties. "This assertion," said Plain Truth, "is believed to be untrue in fact, and dangerous in principle. The paper from which the powers of the federal government *result*, and which is termed by the resolutions, a *compact*, is the constitution of the United States. To this constitution the state governments are not parties in any greater degree than the general government itself. They are in some respects the agents for carrying it into execution, and so are the Legislature and Executive of the Union; but they are not parties to the instrument, they did not form or adopt it, nor did they create or regulate its powers. They were incapable of either. The people, and the people only were competent to these important objects."<sup>1</sup> In support of this doctrine, Plain Truth argued that the states were parties to the old confederation, but that the present federal Constitution was formed to remedy that defect and "was proposed, not to the different state governments, but to the people for their consideration and adoption." As evidence of this difference between the confederation and the present federal union, he cited the language of the preamble of the Constitution. "The Constitution was in truth what it professes to be—entirely the act of the people themselves. It derives no portion of its obligation from the state governments. It was sanctioned by the people themselves, assembled in their different states in convention. They acted in their original, and not in their political character."<sup>2</sup> Having shown to his satisfaction that the people were the parties to the Constitution, Plain Truth made his point against the resolutions of Virginia by demanding, "Why are the *people* excluded from our view, and *states* substituted in their places?" The motive which inspired the legislature to make this claim for the states, Plain Truth argued, was a desire to arrogate to itself power which properly belonged to the people.<sup>3</sup> This argument of Plain Truth's was, of course, an unfair one, since it was based on a mistaken reading of the third Virginia resolution. Plain Truth treated the term *states* in the resolutions as if it was synonymous with the term *state governments*, whereas in the resolutions the term *states* means the people of each state. The treatment by Plain Truth of the fundamental doctrine of the third Virginia resolution is none the less instructive because it is fallacious. It shows plainly that the issue of national or state sovereignty, as raised by the Virginia Resolutions, was not overlooked in the Virginia campaign following their adoption. It indicates that the idea of state sovereignty was plainly put before the people of Virginia for their endorsement or rejection,

<sup>1</sup> P. 19.<sup>2</sup> P. 20.<sup>3</sup> P. 20.



though the details of the doctrine were not so clearly formulated as later.

The pamphlet by Plain Truth is, perhaps, as good an illustration as could be chosen to exemplify the character of the arguments used by the Federalists against the Virginia Resolutions. Almost all of the Federalist appeals were grounded upon the declaration that the Republicans were seeking a dissolution of the Union, a charge which the Republicans as earnestly denied.<sup>1</sup> In their zeal against Republicans the federalists did not distinguish between opposition to the policy of the federal administration and resistance to the federal government. That doughty old warrior, Daniel Morgan, issued an appeal to his fellow-citizens: "My God! can it be possible! that a body, supposed to be collected from the wisdom and virtue of the State, convened to deliberate for its honor and advantage, and to coöperate with the General Government in maintaining the independence, union, and constitution thereof, against foreign influence and intrigue, should so far lose sight of that object as to attempt to foment divisions, create alarms, paralyze the measures of defense, and, in short, render abortive every prudent and wise exertion? Had an angel predicted this some years ago, it would not have gained belief—yet it is too evident now to need testimony. Attempts have been made to separate us from our government; they are daily making; and I am sorry to say, with too much success. Again I say, my fellow-citizens, support our government, do not support in your elections anyone who is not friendly thereto."<sup>2</sup>

The Republicans throughout the campaign were upon the defensive. In the main they were content to deny any knowledge of a desire for disunion, to inveigh against the Alien and Sedition Laws, and to point to the resolutions of the legislature as a conclusive answer to all the Federalist attacks.<sup>3</sup> Incidentally in the course of these arguments the remedial features of the Virginia Resolutions, the one portion of them which had not been passed upon by the people the preceding year, received much attention.

The result of the elections in 1799 was a decided triumph for the Republicans, the slight gain made by the Federalists being not at all commensurate with the exertions which they put forth. Under the circumstances this result indicated that the people of Virginia upon second consideration approved of their own verdict of the preceding year regarding the constitutionality and expediency of the Alien and Sedition Laws and also of the remedy for those laws which their legislature had formulated.

<sup>1</sup> *The Virginia Argus*, April 12, 1799. A. A. S.

<sup>2</sup> *Columbian Mirror*, April 18, 1799. H. U.

<sup>3</sup> *The Examiner* (Richmond), March 29, 1799. H. U.

When the Virginia legislature met, the replies of the other states were referred to a committee, of which Madison was chairman. The report of that committee,<sup>1</sup> since known as Madison's *Report*, after carefully considering each of the resolutions of the preceding year, recommended a reaffirmation of them. This action was taken after the counter-resolutions offered by the Federalist minority had been voted down by a vote of ninety-eight to fifty-seven. The vote may be regarded as a fair approximation to the division of public opinion in Virginia.

The resolutions offered by the minority argued against the report of Madison's committee in its defence of both the protesting and the remedial features of the Virginia Resolutions of 1798.<sup>2</sup> But one peculiar feature of the minority resolutions is worthy of attention here. As has been already remarked more than once in the course of this article, the argument for the remedy hinted at in the Virginia Resolutions was grounded upon the doctrine that the states were parties to the compact which resulted in the federal union. Madison in his argument for the resolution which contained this doctrine was forced to consider the meaning of the term states. The conclusion arrived at was that the term *states* in the resolutions meant "the people composing those political societies, in their highest sovereign capacity."<sup>3</sup> Thus, according to Madison's further reasoning, the people of each state instead of the people of the United States *en masse*, were the parties to the Constitution. In the counter-resolutions offered by the Federalists this interpretation of the parties to the Constitution is accepted entirely. The conclusion which the Federalists drew from this premise, as applied to the particular question then at hand, was quite different from that drawn by Madison, but the agreement between them is significant, for it shows that many of the Federalists as well as the Republicans accepted the fundamental doctrine of state sovereignty.

Intrinsically the Kentucky Resolutions of 1799 and Madison's *Report* are equally important with the resolutions of 1798, or more so. In view of this fact it is much to be regretted that we know little as to what was thought of them outside of Virginia and Kentucky. The resolutions were widely copied, appearing in nearly all of the leading newspapers, but in nearly every instance that I have found, they appeared in the same issue with the announcement of the death of Washington. Sorrow so completely filled the public mind and the newspapers were so much taken up with details of his death, his

<sup>1</sup> Elliot's *Debates*, IV. 572 (Washington ed. 1836).

<sup>2</sup> *Proceedings of the Virginia Assembly on the Answers of Sundry States to their Resolutions*, 1800. Pamphlet, H. U. Pp. 100-102.

<sup>3</sup> Elliot's *Debates*, IV. 573 (Washington ed. 1836).



funeral, and the local commemorations, that the Kentucky Resolutions were overlooked. The resolutions of 1799 were not officially communicated to the other states and did not directly demand an answer. In form they were a solemn protest and in that light they seem to have been regarded. All the Federalist newspapers which made any comment upon them treated them as mere reiteration of those of the preceding year, failing to perceive that there was an important difference between the two sets.<sup>1</sup>

In Virginia, Madison's *Report* was greeted by the Republicans as a conclusive reply to the answers of the states and a complete vindication of the Virginia Resolutions.<sup>2</sup> It was widely circulated, and according to the Richmond *Examiner*, was of much service to the Republican cause in the elections held in the spring of 1800.<sup>3</sup> In New England the *Report* appears to have been little known. I have not been able to find any newspaper taking particular notice of it, or even giving it enough attention to enable its readers to obtain an idea of the arguments contained in the *Report*. The newspapers of the Middle States appear not to have given it more attention than those of New England, but there is some little evidence to show that it was quite well known in New York and Pennsylvania. An edition of it was published at Albany,<sup>4</sup> and Alexander Addison published at Philadelphia an elaborate reply to it.<sup>5</sup> In this reply Addison repeated with approval the reasoning of Madison, that the word *states* is equivalent to the expression *the people of each state*. From this premise he concluded, "It appearing then, that the people of the several states are the parties to the compact in the constitution, it will not follow that because the *parties* to a compact must be the judges whether it has been violated, the Legislatures of each state are the judges whether the constitution has been violated." Madison's argument would be true only upon the supposition that the state legislatures were the parties to the Constitution.<sup>6</sup> Addison does not seem to have perceived that his argument pushed a step further would have established the principle, that the people of Virginia, acting in their highest sovereign capacity, would have

<sup>1</sup> For examples see the *Salem Gazette*, December 27, 1799 (H. U.); the *Massachusetts Spy*, January 1, 1800 (A. A. S.); *Albany Centinel*, December 24, 1799 (H. U.); the *Spectator* (N. Y.), December 18, 1799 (H. U.); *Massachusetts Mercury*, December 24, 1799; *Kennebec Intelligencer*, January 18, 1800 (H. U.).

<sup>2</sup> *The Press* (Richmond), January 31, 1800. A. A. S.

<sup>3</sup> April 29, 1800.

<sup>4</sup> There is a copy of this edition in the Boston Public Library.

<sup>5</sup> *Analysis of the Report of the Committee of the Virginia Assembly, on the Proceedings of Sundry of the other States in Answer to their Resolutions*. By Alexander Addison. Philadelphia, 1800. Pamphlet, B. A.

<sup>6</sup> Pp. 6-8.



the right to judge for themselves whether the constitutional compact had been violated. Addison was concerned only to prove that the remedy hinted at by the third Virginia resolution and Madison's defense of it were incorrect. In this he succeeded beyond all question, but at the same time he unwittingly supplied one piece of conclusive evidence that many of the Federalists saw nothing out of the way in agreeing with their Republican opponents in the fundamental doctrine of the Virginia and Kentucky Resolutions, that the Union is the result of a compact to which the states are the parties.

It only remains to add a few words upon one important question. How far were the Virginia and Kentucky Resolutions influential in determining the presidential election of 1800? It has been often asserted that the principles of these resolutions were accepted by the American people in that election. Unless one can show by documentary evidence, as I have tried to do for the discussions of 1799, that these resolutions were discussed in the campaign of 1800 and their principles clearly made an issue, this amounts to nothing more than assertion. I have not been able to find any such documentary evidence. Invective against the Alien and Sedition Laws can be found in great plenty, but of direct allusions to the Virginia and Kentucky Resolutions or to their constitutional doctrines, I can find outside of Virginia only the very little that has been indicated in the two preceding paragraphs. From this evidence I am forced to conclude that the verdict of 1800, while a conclusive endorsement of the protest of the Virginia and Kentucky Resolutions, was not, so far as can be shown, an endorsement of either the remedy hinted at or the principles upon which it was founded. In a word, the remedy and its principles were not an issue in that campaign.

FRANK MALOY ANDERSON.

#### APPENDIX.

For contemporary opinion of the Resolutions of 1798, Elliot's *Debates* (IV. 558-565), contains only the replies sent by six state legislatures and the Senate of New York to Virginia. The collection fails to represent adequately even the opinion of the state legislatures, since it does not include the replies sent to Kentucky and the resolutions which in several states were adopted by one or both houses of the legislature but not officially transmitted to Virginia and Kentucky. So far as I know no attempt has ever yet been made to supply the omissions in Elliot's collection. The following constitute all of the necessary supplement which I have been able to

find, except the replies of the Rhode Island and Vermont legislatures to Kentucky; the former is identical with its reply to Virginia, save in the matter of name and date; the latter has already been published in the *Records of the Governor of the State of Vermont*, IV. 526-529. All of the legislative documents following, except C, are printed from certified copies of the legislative journals.

A. REPLIES TO THE KENTUCKY RESOLUTIONS OF 1798.

*Report concurred in by the Maryland House of Delegates, December 28, 1798.*

The committee to whom were referred the resolutions of the legislature of Kentucky report, that they have taken the same under their consideration, and are of opinion that the said resolutions contain sentiments and opinions unwarranted by the Constitution of the United States, and the several acts of congress to which they refer; that said resolutions are highly improper, and ought not to be acceded to by the legislature of this state. (*Report of the Votes and Proceedings of the House of Delegates of the State of Maryland at November Session, 1798.*)

*Resolutions of the House of Representatives of Pennsylvania, adopted February 9, 1799.*

*Resolved*, That in the opinion of this House the people of the United States have vested in their President and Congress, as well the right and power of determining on the intent and construction of the constitution, as on the ordinary subjects of legislation, and the defence of the Union; and have committed to the supreme judiciary of the nation the high authority of ultimately and conclusively deciding upon the constitutionality of all legislative acts. The constitution does not contemplate, as vested or residing in the Legislatures of the several states, any right or power of declaring that any act of the general government "is not law, but is altogether void, and of no effect;" and this House considers such declaration as a revolutionary measure, destructive of the purest principles of our State and national compacts.

That it is with deep concern this House observes, in any section of our country, a disposition so hostile to her peace and dignity, as that which appears to have dictated the resolutions of the Legislature of Kentucky. Questions of so much delicacy and magnitude might have been agitated in a manner more conformable to the character of an enlightened people, flourishing under a government adopted by themselves, and administered by the men of their choice.

That this House view, as particularly inauspicious to the general principles of liberty and good government, the formal declaration by a legislative body, "that confidence is every where the parent of despotism, and that free governments are founded in jealousy." The prevalence of such an opinion cuts asunder all the endearing relations in life, and renews, in the field of science and amity, the savage scenes of darker ages. Governments truly republican and free are eminently founded on opinion and confidence; their execution is committed to representatives, selected by voluntary preference, and exalted by a knowledge of their virtues and their talents. No portion of the people can assume the province of the



whole, nor resist the expression of its combined will. This House therefore protests against principles, calculated only to check the spirit of confidence, and overwhelm with dismay the lovers of peace, liberty and order.

That this House consider the laws of the United States, which are the subjects of so much complaint, as just rules of civil conduct, and as component parts of a system of defence against the aggressions of a nation, aiming at the dominion of the world—conducting her attacks more by the arts of intrigue, than by her skill in arms—never striking, until she has deeply wounded or destroyed the confidence of a people in their government—and, in fact, subduing more by the infamous aids of seduction, than by the strength of her numerous legions. The sedition and alien acts this House conceive contain nothing terrifying, but to the flagitious and designing. Under the former, no criminality can be inferred or punishment inflicted, but for writing, printing, uttering, or publishing false, scandalous and malicious aspersions against the government, either House of Congress, or the President of the United States, with an intent to defame and bring them into contempt. Under the latter, the citizens of the United States have not any thing more to fear, inasmuch as its operation will only remove foreigners, whose views and conduct are inimical to a government, instituted only for the protection and benefit of the citizens of the United States, and others, whose quiet and submission give them some claim to the blessing. Yet these laws are subjects of loud complaint. But this House forbears an examination into the cause, and only expresses its surprise that such an opposition to them exists! Our country's dearest interest demands every where unanimity and harmony in her councils, and this House is unable to discover any means more favourable to those important objects, than confidence in the wise and honest labours of those, in whose hands is reposed the sacred charge of preserving her peace and independence. The voice of the greater number the constitution declares shall pronounce the national will; but in the opinion of this House the provision is vain, unless it be followed by the unfeigned and practical acquiescence of the minor part. Loud and concerted appeals to the passions of the community are calculated to produce discussions more boisterous than wise, and effects more violent than useful. Our prayer therefore is, that our country may be saved from foreign war and domestic strife.

That it is the opinion of this House, that it ought not to concur in the design of the resolutions of the Legislature of Kentucky.

On motion of Mr. Kelly, seconded by Mr. Strickler,

*Resolved*, That the foregoing resolution be signed by the Speaker, and that the Governor be requested to transmit the same to the Governor of Kentucky. (*Journal of the House of Representatives of the Commonwealth of Pennsylvania*, Vol. IX., Philadelphia, 1799, pp. 198-200.)

#### *Resolutions of the Delaware Legislature.*

Resolved by the Senate and House of Representatives of the State of Delaware, That the resolutions from the State of Kentucky are a very unjustifiable interference with the General Government and Constituted Authorities of the United States, and of dangerous tendency, and therefore not a fit subject for the further consideration of this General Assembly.

Resolved That the above resolution be Signed by the Speaker of the Senate, and by the Speaker of the House of Representatives, and that the Governor of this State be requested to forward the same to the Governor



of the State of Kentucky. (*Journal of the Senate*, session begun January 1, 1799, p. 43. Text differing slightly from that given by Elliot.)

The following is an extract from the message of Governor Daniel Rogers of Delaware, submitted to the General Assembly of the State on January 7, 1799. It was not known to me at the time of publication of the previous article.

You will also herewith receive other resolutions of a very different tendency, transmitted to me by his Excellency the Governor of the State of Kentucky. These resolutions seem to me, both by their language and object, to assume a form extremely hostile to the peace and happiness of the United States. According to my understanding, the Legislature of that State undertake to exercise a power not vested in them, but which is expressly delegated to another tribunal. If the laws of which they complain are unconstitutional, it belongs to the Judiciary, and not to any Legislature to declare them to be so. As well may the Legislature of Kentucky or of any other State decide upon all and every other law of Congress. And if a measure of this kind is to be resorted to on every occasion, when a law becomes disagreeable to a particular State, however necessary it may be for the good of the whole, the Constitution, which was a "result of a spirit of amity and of mutual deference and concession" will soon become a shield to the fractious and discontented, and instead of promoting "the lasting welfare of our country" will involve us in disputes which may finally terminate in our utter ruin. It is expressly declared in the fourth article "that the Constitution and the laws of the United States, which shall be made in pursuance thereof, shall be the supreme law of the land," and in the third article "that the Judicial power shall extend to all cases in Law and Equity, arising under the Constitution and the laws of the United States, etc."

Hence it is evident that there is a proper authority to decide upon every Act of Congress, without the interference of the Legislature of any State, and that it is as unconstitutional in a Legislature to assume a Judicial Power as it would be in Congress to enact a law not warranted by the Constitution. (*Journal of the Senate.*)

*Resolutions of the Connecticut General Assembly.*

Resolved that the attempt to form a combination of the Legislatures of the several states for the avowed purpose of controuling the measures of the Government is foreign to the duties of the State Legislatures; Hostile to the existance of our national Union, and opposed to the principles of the Constitution; with these impressions this Assembly doth deeply regret that a spirit should Exist in the Legislature of any State capable of dictating Resolutions like those now under consideration; Resolutions calculated to subvert the Constitution and to introduce discord and anarchy. were this Assembly permitted to decide on the Measures of the General Government, they would declare the Acts against which the aforesaid Resolutions are particularly aimed, strictly Constitutional, but it is sufficient to remark that the administration of the Government meets their entire approbation, and that the Alien, and Sedition Acts. are wisely calculated among others, to establish Justice, insure domestic tranquility, provide for the common defence, promote the General welfare, and secure the blessings of Liberty to themselves, and their posterity And therefore this Assembly doth refuse to concur with

the Legislature of Kentucky in promoting any of the Objects attempted by the aforesaid Resolutions ;

And it is further Resolved That the Secretary of this State transmit a Copy of the foregoing Resolution to the Secretary of the State of Kentucky with a request that the same be communicated to the Legislature of said State. (MS. Records of the State of Connecticut, Vol. VI., 1797-1801, Session of May, 1799, p. 31.)

#### B. REPLIES TO THE VIRGINIA RESOLUTIONS OF 1798.

*Report concurred in and Resolution adopted by the Maryland House of Delegates, January 16, 1799, and by the Senate, January 19, 1799.*

The Committee to whom were referred the resolutions from the legislature of Virginia, respecting the alien and sedition laws passed at the last session of congress, report, that they have had the same under their most serious consideration, and after mature deliberation declare it as their decided opinion, that no state government, by a legislative act, is competent to declare an act of the federal government unconstitutional and void, it being an improper interference with that jurisdiction, which is exclusively vested in the courts of the United States ; independently of the above consideration, your committee, viewing the present crisis of affairs, believe it incumbent on them to express their opinion, that a recommendation to repeal the alien and sedition laws would be unwise and impolitic ; they therefore submit to the house the propriety of adopting the following resolution :

*Resolved*, That the general assembly of Maryland highly disapprove of the sentiments and opinions contained in the resolutions of the legislature of Virginia, inasmuch as they contain the unwarrantable doctrine of the competency of a state government, by a legislative act, to declare an act of the federal government unconstitutional and void, and as they contain a request for our co-operation with them in obtaining a repeal of laws, which, at this crisis, we believe are wise and politic. (*Report of the Votes and Proceedings of the House of Delegates of the State of Maryland at November Session, 1798.*)

*Resolution adopted by the House of Representatives of Pennsylvania, March 11, 1799.*

Resolved, That as it is the opinion of this House that the principles contained in the resolutions of the Legislature of Virginia, relative to certain measures of the general government, are calculated to excite unwarrantable discontents, and to destroy the very existence of our government, they ought to be, and are hereby, rejected. (*Journal of the House of Representatives of the Commonwealth of Pennsylvania, Vol. IX., Philadelphia, 1799, p. 289.*)

#### C. REPLY TO BOTH THE VIRGINIA AND THE KENTUCKY RESOLUTIONS OF 1798.

*Reply of the New York House of Representatives.*

Whereas it appears to this House, that the right of deciding on the constitutionality of all laws passed by the Congress of the United States,



appertains to the judiciary department—And whereas the assumption of that right is unwarrantable, and has a direct tendency to destroy the independence of the General Government—And whereas this House disclaims the power which is assumed in and by the Legislatures of the States of Kentucky and Virginia of the sixteenth of November and the twenty-fourth of December last of questioning in a legislative capacity either the expediency or constitutionality therein referred to : therefore

Resolved, That the Committee of the whole House be discharged from any further consideration of the message of his excellency the Governor of the twelfth day of January last, and the said resolutions which accompany the same. (*Albany Centinel*, February 19, 1799. H. U.).

#### D. PROTEST OF THE VERMONT MINORITY.

*Tuesday, the 5th of November, 1799. 9 o'clock, A. M.*

Mr. Hay laid before the House a statement of the reasons which influenced the minority, in the votes for passing the resolutions in answer to the resolutions of the states of Virginia and Kentucky, which were read as followeth, to wit.

We, the undersigned, being a part of the fifty, who refused their assent to the acceptance of the reports, recommended by the grand committee of the Legislature to this House, on the Virginia and Kentucky resolutions, respecting the acts commonly known by the titles of the "alien and sedition bill," do assign the following, as some of the reasons which occasioned our dissent.

*Because*, although we zealously urged at an early period of the session, and again earnestly solicited, when this important business was last before us, that all the official papers which had been presented to the House on this subject, be printed for the use of the members, previous to their entering into argument, or deciding on the question, this very reasonable request was refused, as will appear from the Journals. Notwithstanding which refusal, the report of this House, on the Kentucky resolutions, commences with declaring "*That we have MATURELY considered them.*"

*Because*, therefore, impressed with an opinion, that truth never shuns the light, and that sound argument never evades investigation, we could not believe that these resolutions, had time and opportunity been afforded for freely comparing each article with the others, would [have] appeared to the House, fraught with all the bad consequences attributed to them, in the two separate reports addressed to the Legislatures of these states.

*Because*, without going into an investigation of the constitutionality of what is generally termed the "Sedition Bill," we have ever been of an opinion, with that much and deservedly respected statesman, Mr. Marshal, (whose abilities and integrity have been doubted by no party, and whose spirited and patriotic defence of his country's rights, has been universally admired) that "it was calculated to create *unnecessarily*, discontents and jealousies, at a time, when our very existence as a nation may depend on our union."

*Because*, the "Alien Bill," as it is generally termed, grants to the President a power unknown to, and inconsistent with the general features of the constitution of the United States, through the whole whereof is displayed the divine principles of *mildness, freedom, and liberality.*



*Because likewise*, at the time it was passed, it could not refer to alien *enemies*, and must therefore, of course, involve alien *friends* in all the disastrous consequences, which may arise from this excess of power, unprecedented, we believe, on any similar occasion, in a free government.

It would here be improper to neglect observing, that it was but eleven days after this act passed, before another was enacted, which respected alien enemies, against which last act, the breath of discontent has never been known to be uttered.

*Because*, by the ninth section of the constitution of the United States, it is declared, "The *migration* or importation of such persons, as any of the states now existing shall think proper to admit, shall not be prohibited by Congress, prior to the year eighteen hundred and eight, but a tax or duty may be imposed on such *importation*, not exceeding ten dollars for each persons."

MIGRATION is an appropriate term, and we hesitate not to affirm, constantly implies a freedom of will in the person migrating, and is therefore contra-distinguished from importation, which must have had respect to slaves only; which distinction is clearly evinced to have been contemplated, in the above section of the constitution, for in the latter part thereof it is declared, "that a tax or duty, may be imposed by Congress, on the importation of such persons," while it is perfectly silent as to that tax, on the migration of persons.

*Because*, by this law, alien *friends*, and the President is empowered, it is true, *not to interdict their landing*, but to banish them as soon as he shall think proper, after they are landed, and inflict that severe punishment, without their being heard—without even the color of trial—without the pretence of their having committed any crime, except that very extraordinary one of being suspected—without, in short, assigning any reason why he does so. By which power, the intention of that part of the constitution, as far as it respects the migration of persons, though still in force, may absolutely and completely be defeated; and we therefore should esteem ourselves highly deficient in the duty we owe to our constituents—unfaithful to the sacred trust reposed in us by them—unmindful of the solemn oath we have taken, "Not to do, or consent to any act or thing whatever, that shall have a tendency to lessen, or abridge the rights and privileges of the people, as declared by the constitution of this state," were we to refrain from expressing our decided opinion that the act granting this power, is an undisguised breach of the constitution of the United States, because it deprives the states individually, of a privilege, which we think, clearly remains vested in each of them, by the first article of the ninth section of the constitution, compared with the twelfth article of the amendments thereto.

*Because*, in addition to the above reasons, we maintain a lively sense of the admonition of our darling, our beloved WASHINGTON, who, in his farewell address to the militia, on the western insurrection, proclaims this fact, and his opinion thereon, with a warmth worthy his truly patriotic bosom, that "The dispensation of justice, against offenders, belongs to civil magistrates, and let it ever be our pride and our glory, to keep the sacred deposit there inviolated."

*Because*, we conceive that some of the expressions in the reports alluded to, are highly objectionable, of which we shall only mention two. In the report on the Virginia resolutions, is the following unequivocal assertion; "It belongs not to state Legislatures to decide on the constitutionality of laws made by the general government."

Here we must observe, that the report came recommended for our acceptance, by the grand committee of the Legislature, with the words *deliberate or* between the words *to* and *decide*; but the prohibition of a state from deliberating 'on the constitutionality of the laws made by the general government,' appeared so radically erroneous and inconsistent, that a motion was made by one of the defenders of the report, as it now stands, to strike out the words '*deliberate or*,' which was agreed to without a dissenting voice, none of those who had voted for printing the official papers, having interfered in the debate.

While, therefore, we highly respect the abilities and precision of the majority of this House, we are compelled to declare, that in our opinion, this amendment renders, if possible, the assertion still more palpably preposterous, by subjecting each individual state to a degree of humiliation, incalculably painful, and immoderately degrading. For as it appears clearly by the twelfth article of the amendments to the constitution, as has been before observed, that the states individually, compose one of the parties to the federal compact or constitution, it does of course follow, that each state must have an interest in that constitution being pure and inviolate.

By the report, as amended and adopted by the House, each state is tacitly permitted the wretched, despicable prerogative of deliberating through their Legislature, on the real or supposed infraction of a compact, in which they are highly interested. But when they have deliberated, there they must stop, for they cannot communicate their sentiments in the common way, because that must necessarily involve their decision on the question; but this is declared in the report, to be an unconstitutional assumption of power, 'not belonging to state Legislatures.'

As we cannot yield our assent to this new method of tantalizing Legislative bodies, we willingly and cheerfully relinquish to the honorable inventors, all the profit and honor which may arise from the discovery.

*Because*, each state in the union, is by this diminutive explanation of their rights, debarred from a privilege, not only daily exercised by individual citizens, but in no instance attempted to be denied to them by the great legislative body of the union. As a proof of which we refer to the report of the committee of Congress, to whom was referred the memorials and petitions complaining of the act entitled 'An act concerning aliens,' on the twenty-fifth of February last, who admit in their report, that the memorialists declare this act to be unconstitutional, oppressive, and impolitic, 'and that some of the petitions are conceived in a style of vehement and acrimonious remonstrance,' but not a lisp of blame leaks out from this committee because the petitioners gave their decision, against the constitutionality of this law. From which it appears to us, that the report of this house voluntarily, though we are far from thinking intentionally, sacrifices a valuable prerogative of this state, not expected, much less demanded by the government of the union.

Let it not be supposed, that in advocating the power of each state to decide on the constitutionality of some laws of the union, we mean to extend that right to any laws, which do not infringe on the powers reserved to the states, by the twelfth article of the amendments to the constitution. We cannot, therefore, be charged with an intent to justify an opposition, in any manner or form whatever, to the operation of any act of the union. That we conceive to be rebellion, punishable by the courts of the United States.

*Because*, in the latter part of the report on the Kentucky resolutions,



the term JEALOUSY, which is therein affirmed 'to be the foundation of a free government,' is stigmatized in the report, 'as the meanest passion of narrow minds,' and a suggestion in our opinion ungenerous, is warmed in immediately afterwards, the intention of which, without entering deeply into the spirit of innuendoes, cannot be well misunderstood.

Whether jealousy, in a political sense, be a virtue or a vice, depends, we conceive, on the object by which it is produced, and the extent to which it is carried. As a proof of this, we will once more quote an admonition of our illustrious Washington, in his farewell address to his fellow-citizens. 'Against the insidious wiles of foreign influence (says he) I conjure you to believe me fellow-citizens, the jealousy of a free people ought constantly to be awake.'

But from this part of the report we were compelled to dissent for another reason, still more cogent, for by our consent, we should have acknowledged that the great body of our general constituents, had justly incurred the obloquy of possessing 'the meanest passion of narrow minds.'

In a late address of thanks to his Excellency the Governor, to which this House unanimously concurred, we say, 'That our constituents entertain too high a sense, are too JEALOUS of their own rights, ever to infringe wantonly, or intentionally, on those of any friendly nation.' From which it follows, that either this House entertained a most ignominious and disrespectful opinion of their constituents—that what is virtuous in them, is vicious in the Legislature of Kentucky—or that the explanation of the term *jealous*, in the report to which we have given our dissent, as applied to the subject of the Kentucky resolutions is altogether erroneous, ungenerous, and unfounded. The last of which three propositions, is the only one of them to which we could or can give our assent.

And lastly, we assign as a principal reason of our dissent, *because* we believe that the most pressing of our social duties, as citizens of the union, is to guard with a watchful scrupulosity, against the smallest breach of our federal constitution, to which we look up with admiration, with pleasure and respect, as the great and impregnable bulwark of [if] properly defended, of our political salvation.—(*Journal of the General Assembly of the State of Vermont*, October, 1799, pp. 148-152).



## THE RISE AND FALL OF THE NOMINATING CAUCUS, LEGISLATIVE AND CONGRESSIONAL .

### I.

It is proposed in the present study to bring together into one sketch the facts relating to the development of that extra-constitutional institution which was the cradle of the organization of American parties. There were formed and fixed those characteristics, which, notwithstanding the profound changes wrought by subsequent growth, were destined permanently to distinguish the political life of America, which runs through the mould of party organization. Thus my purpose is to reconstruct a page of institutional history. By saying this I am at once defining the exact significance of the word caucus, that at least which comes under the grasp of the historian, as opposed to the somewhat loose acceptations in which the term is currently employed. Writers often, in referring to the caucus, quote John Adams as follows: "Our revolution was effected by caucuses. The federal constitution was formed by caucuses, and the federal administrations, for twenty years, have been supported or subverted by caucuses. There is little more of the kind now than there was twenty years ago. Alexander Hamilton was the greatest organist that ever played upon this instrument." After having recalled the intrigues to which Hamilton lent himself against him (Adams) and the cabals which took place over the presidential elections, he adds: "This detail sufficiently shows that caucuses have been from the beginning. There is, no doubt, some regard to public good in the prosecution of these measures. They are considered as necessary. There is also ambition, avarice, envy, jealousy and revenge. As these causes, good and bad, have hitherto produced such combinations, and as these causes will continue to the end of the world, we may presume the combinations will continue too. . . . You cannot prevent them any more than you can prevent gentlemen from conversing at their lodgings." These lines, written in 1808,<sup>1</sup> when the nominating caucus was not yet fully developed, have, as a matter of fact, no bearing upon and no con-

<sup>1</sup> In the "Review of Propositions for Amending the Constitution, submitted by Mr. Hillhouse to the Senate of the United States," and found in the papers of John Adams (*Works*, Vol. VI.).

nection with it. Adams was only speaking of the secret understandings, the political meetings, often tainted with intrigue, the cabals. Used in this sense the caucus indeed presents nothing either novel or specific. The historian who should turn his investigations in this direction might as well undertake to write the history of human deceit or of human spite. One would not have to begin with the time of the Revolution; one could trace the origin of the caucus to a date far anterior. To be precise, the beginning would have to be carried back to the garden of Eden, where the first caucus was held by Eve and the serpent.

But the more or less secret political confabulations which were first designated by the term caucus, constitute in no way the essential nor even necessary characteristic of those more or less representative meetings whose object is to decide on behalf of the community upon questions relating to public affairs, and, in particular, to elective appointments. Those meetings, to which the earlier term caucus was transferred because they had been inaugurated behind the scenes, have two distinctive characteristics: the first is the quasi-representative character which they, rightly or wrongly, assume, and which gives them, or seems to give them, the right to consider matters of general concern; the second distinguishing characteristic is the sanction attached to their decisions, which, once given, are *eo ipso* considered as binding not only on those present, not excepting the minority who have contested their passage, but on all those whom the meeting is supposed to represent. This sanction has indeed no legal authority, but the universal acquiescence gives it a weight not less grave; it has become a part of the public conscience of that particular political society who form the United States. If this character of the caucus establishes the jurisdiction of the historian over it, it equally affords an indication and almost points out his path to the public man or at least to the public-spirited man preoccupied with the working of the political system and its difficulties and shortcomings,—to the *reformer*, as the phrase goes. If the authority of the caucus, and in particular, its binding power which acquires a lien upon the conscience of the individual citizen, to the point of depriving him of the full exercise of his rights as an elector, is but the result of a public opinion which shapes and unshapes itself through the action of divers influences, in the progress of time—if, in a word, it is but the effect of a certain phase of the evolution of political society, nothing forbids the reformer, and it may be that many considerations command him, to strive to give a new direction to public opinion, without allowing himself to be checked by fatalistic arguments derived from “human nature.”

For this twofold reason the history of the nominating caucus cannot fail to interest the historian as well as the politician. In presenting it to the readers of this REVIEW, I make no pretension to bring out new facts; my ambition will have been realized if I have grouped and connected the facts with more method than has, on certain points, been done hitherto.

## II.

With the development of parties during Washington's administration, the system of formal nominations of the candidates of parties for elective offices also developed, but the integration, from within the parties, of permanent organizations which should serve as regular nominating bodies was somewhat slow. Indeed at the outset the parties had no need of a rigid structure, for the reason that the number of voters was generally limited by the qualifications for the franchise, that the elective offices were not numerous, and finally because in American society, especially in New England, there was still a ruling class, that is to say, groups of men who, owing to their character, their wealth, and their social position, commanded the confidence of their fellow-citizens and made them accept their leadership without a murmur. The candidates were nominated in town meetings or county meetings, but in reality these general gatherings simply ratified selections made beforehand by the small coteries of leaders in their private caucuses. In Pennsylvania, where the strife of factions was particularly keen, a rough outline of an elective organization of parties appeared sooner than elsewhere, but for a considerable time it proceeded by uncertain and unconnected spurts in which it would be difficult to discover a regular evolution. We do find at a pretty early stage traces of meetings composed of delegates who were supposed, more or less rightly, to have been chosen by their respective townships; but more often these county meetings, where candidatures were adopted, were mass meetings open to all, in which the people of the neighborhood were numerous, while the inhabitants of the more remote localities were barely represented. To nominate candidates for elective offices which went beyond the limits of the county, the views of the inhabitants of various counties were often ascertained by means of a very extensive correspondence; a number of circulars were despatched, and from the replies received a list was drawn up of the candidates who had received the most votes, and it was returned by the same channel for ratification by the counties. These consultations were led by a few public-spirited men with a taste for election work, who made themselves into a committee of correspond-



ence for the occasion. Side by side with this mode of proceeding another was also practised, which consisted in making the nomination of the candidates for the senate of the state or for the Federal Congress in conferences of representatives of various counties ("conferrees," "electors"), appointed for this purpose in county meetings, and of submitting the selections to the ratification of the general county meetings, which, as in the primitive democracies, theoretically retained their full powers. The practice of delegation gained ground, however, and in the first years of this century it seems to have been already fairly common in the counties. There were a few isolated attempts, the first of which even goes back to the year 1788,<sup>1</sup> to bring together delegates from the whole state for nominating candidates for Congress or for the electoral college entrusted with the election of the President and Vice-President of the United States.

But all these meetings of delegates were composed in an anything but regular way; too often the representation of different localities was neither complete nor direct. The decisions taken in them, however, were not binding, so to speak, on any one; at one time it was the leaders who, of their own authority, made modifications in the settled lists of candidates, according to the requirements of the electoral situation, at another the local voters recast the "ticket" as they thought proper; the distinction of parties even was not always observed, and mixed lists were made up. The candidates, in their turn, did not consider themselves bound by the nominations made, and often the competitors for elective offices who had not been accepted went on with their candidature just the same; they offered themselves directly to the electorate. This method of "self-nomination," very common in Pennsylvania down to the first years of this century, was still more so in other states, in Massachusetts, for instance.

It is not, therefore, these primitive conventions of delegates which were themselves without organization—created anew as they were in each special case and for the special occasion only, by the initiative of a private caucus, of a knot of politicians who bethought themselves to call such an assemblage, or by a public meeting of some town which invited its neighbors to send delegates to a common rendezvous—it is not these short-lived conventions that furnished a fixed form to the parties in their extra-constitutional existence, in

<sup>1</sup> Two more instances are perhaps to be found in Pennsylvania, during the twenty-five or thirty years after 1788, to wit, in 1792 and 1812. For the facts relating to these conventions and for the other antecedents of the organization of parties in Pennsylvania, see "Nominating Conventions in Pennsylvania," by J. S. Walton, *THE AMERICAN HISTORICAL REVIEW*, January, 1897.

which nomination to office was becoming the most important function. The extra-constitutional organization of the American parties started in a borrowed sphere, belonging to the constitutional structure, namely in the state legislatures and then in the Congress of the United States.

For the elective offices bestowed in each state by the whole body of its voters, such as the posts of governor and lieutenant-governor or the functions of presidential electors, the necessity of a preliminary understanding as to the candidates was still greater than for the smaller territorial units, and it could only be suitably effected in a single meeting for the whole state. But to organize such general meetings of representatives of all the localities in a regular way was by no means easy in ordinary times, both on account of the means of communication in those days, which made a journey to the capital of the state a formidable and almost hazardous undertaking, and of the difficulty of finding men of leisure willing to leave their homes for the discharge of a temporary duty. However, men enjoying the confidence of the voters of the state were already assembled in the capital in pursuance of their functions of members of the legislature. Were they not in the best position for bringing before their constituents the names of the candidates who could command the most votes in the state? This reflection occurred to the public, and in particular to the members of the state legislatures themselves, and they laid hands on the nomination of the candidates to the state offices. The members of both houses belonging to the same party met semi-officially, generally in the legislative building itself, made their selections and communicated them to the voters by means of a proclamation, which they signed individually. Sometimes other signatures of well-known citizens who happened to be in the capital at that moment were added, to give more weight to the recommendation of the legislators. To make it more sure of prevailing, the latter soon adopted the system of corresponding committees, which devoted their energies throughout the state to the success of the list.

This practice of recommending candidates for the state, which rapidly became general in the whole Union, began very early. The first instance seems to be found in the state of Rhode Island in 1790, when the governor and lieutenant-governor were recommended in this way.<sup>1</sup> In the same year the rival parties nominated in a similar manner their candidates to the post of governor in Pennsylvania, in

<sup>1</sup> *The Development of the Nominating Convention in Rhode Island*, by Neil Andrews, Jr., in *Publications of the Rhode Island Historical Society*, Vol. I., Providence, 1893.



joint meetings of the members of parties in the legislature and the constitutional convention, which was convoked at that time to give a new constitution to the state. In 1793 we find the members of the legislature making the nomination of the governor by themselves.<sup>1</sup> In 1795 the state of New York adopts this method to propose John Jay as governor.<sup>2</sup> After 1796 it appears as a settled practice in all the states. And in this way is introduced, for the first time, a permanent party organization, nestling under the wing of the legislatures and composed of their very elements. It rises above the more or less fortuitous town and county meetings, in which choice is made, either directly or in the second instance, of candidates for local elective offices, and in this respect it presents a somewhat striking analogy with the incipient organization of the revolutionary epoch, in which side by side with the corresponding committees of towns formed by the people, on the model of Boston, there were established in the various colonies, on the more aristocratic plan of Virginia, committees of correspondence appointed by the colonial assembly. The semi-official control of the selection of candidates for the higher offices assumed by the members of the state legislatures, was undoubtedly also tainted with "aristocratism," but the electoral body acquiesced in it with a fairly good grace. The legislature, after all, represented the most important elements of that body; it had a plentiful share of the men of the old "ruling class" who were still regarded as the natural leaders of society, and by the side of them an ever-growing proportion of young politicians thrown up by the democratic leaven which was continuously agitating the country. The action of these men seemed to offer more guarantees for a satisfactory choice and to present more respectability than the mass-meetings, or, as some thought, mob-meetings, in which candidates were selected for the other offices. The private character of the semi-official meetings in question held by the members of legislatures got them the nickname of "caucus," by analogy with the secret gatherings of the caucus started at Boston before the Revolution. The name of "legislative caucus" became their formal title in all the states. Besides the candidates for the offices of governor and lieutenant-governor, the legislative caucus also nominated the presidential electors, in cases where they were appointed by the people.<sup>3</sup> But the nomination of candidates for the

<sup>1</sup> J. S. Walton, *Nominating Conventions in Pennsylvania*.

<sup>2</sup> J. D. Hammond, *The History of Political Parties in the State of New York*, Albany, 1842, I. 90.

<sup>3</sup> It will be remembered that the legislatures of several of the states, availing themselves of that clause of the Constitution which left to the states the determination of the method by which the electors should be chosen, assumed to themselves the privilege of naming the electors in legislative session. In other states the legislatures confided it to the people.



functions of electors soon lost its importance, for in the meanwhile there had arisen within the Federal Congress a caucus which, like the legislative caucuses of the states, took in hand the nomination of candidates for the presidency and the vice-presidency and entered on a course in which the power conferred on the electors was destined to disappear.

### III.

In the first two presidential elections the choice of candidates was, one may say, a foregone conclusion. The contest did not begin until the retirement of Washington. Elected in 1796, in spite of some intrigues within the ranks of the Federalists themselves, John Adams saw, as the election of 1800 approached, a stronger opposition raise itself against him. The lack of unanimity within the Federalist camp, aggravated by the confusion which was caused by the death of Washington, seriously compromised the chances of the Federalist party. The imminent danger of the success of Jefferson and the triumph of radicalism in the government appeared to the Federalists of the Congress to demand their intervention in the presidential election, from which the Constitution had carefully banished them. For some time past the Federalist members of the Congress, and the Senators in the first place, had been in the habit of holding semi-official meetings, to which the familiar name of caucus was applied, to settle their line of conduct beforehand on the most important questions coming before Congress.<sup>1</sup> The decisions

<sup>1</sup> According to the opinion generally received, these caucuses of the members of Congress appeared for the first time at the second session of the Eighth Congress. This date, which was given by Williams in his *Statesman's Manual* (I. 224) and has been accepted by later writers, among others by Professor Woodrow Wilson in his remarkable and fascinating work on *Congressional Government* (p. 328), should probably be rejected as too late. James McHenry, John Adams's war secretary, in a letter to his nephew, John McHenry, of May 20, 1800, explaining the circumstances in which it was decided to run Adams and Charles C. Pinckney for President without giving one a preference over the other, says: "The federal members of Congress held a caucus, as it is called, in which with very few exceptions it was determined" . . . (*Memoirs of the Administrations of Washington and John Adams*, by George Gibbs, II. 347). The very words as it is called show clearly that the caucus meeting referred to was not the first of its kind, that it was already an established practice described by a fixed term. Consequently caucuses of members of Congress had already been held at the first session of the Sixth Congress. Again the revelations or rather denunciations of Duane in the *Aurora* against caucuses give very definite indications that this practice originated still earlier: in the first session of the Fifth Congress. See the *Aurora* of February 12, February 15, and especially of February 19, 1800, where we find the following lines *à propos* of the Ross bill which had been discussed in caucus: "We noticed a few days ago the *Caucuses* (or secret consultations) held in the Senate Chamber . . . they were in the perfect spirit of a *Jacobinical conclave* . . . On this occasion it may not be impertinent to introduce an anecdote which will illustrate the nature of caucuses and show that our popular government may, in the hands of a faction, be as completely abused as the French

arrived at by the majority of the members present were considered as in honor binding the minority; being consequently clothed with a moral sanction, they gave these confabulations an equitable basis and almost a legal authority. In this way there grew up at an early stage, at the very seat of Congress, an extra-constitutional institution which prejudged and anticipated its acts. It was now about to reach out still further and lay hold of a matter which was entirely beyond the competence of Congress. It appears that this was done at the instigation of Hamilton, who, being anxious to push Adams on one side and to prevent the election of Jefferson, wanted to get the electoral manoeuvre which he had hit upon for this purpose<sup>1</sup> sanctioned by a formal decision of the members of the party in Congress.<sup>2</sup> The latter took the decision, nominated in consequence the candidates for the presidency and vice-presidency of the Union, and agreed to try and get them accepted by the electors.<sup>3</sup> This nomination became the precedent for a practice which com-

stitution has been by the self-created *consuls*. In the summer of 1798 . . . a caucus was held in the house of Mr. Bingham, in this city" (*i. e.*, Philadelphia); "it was composed of the members of the Senate, and there were present 17 members" (which would make more than half of the members of the Senate) . . . "Prior to the deliberations on the measures of war, navy, army, democratic proscription, etc., etc., it was proposed and agreed to that all the members present should solemnly pledge themselves to *act firmly* upon the measures to be agreed upon by the majority of the persons present at the caucus." The caucus was found to be divided into two factions, nine against eight. "This majority, however, held the minority to their engagement, and the whole seventeen voted in Senate upon all the measures discussed at the Caucus. Thus it is seen that a secret self-appointed meeting of seventeen persons dictated laws to the United States, and not only that nine of that seventeen had the full command and power over the consciences and votes of the other eight, but that nine possessed, by the turpitude of the eight, actually all the power which the Constitution declares shall be invested in the majority only."

It appears probable, however, that even this date, which would refer to the first session of the Fifth Congress, is still too late. Senator Smith, of Maryland, when defending the caucus against the attacks of its enemies in the Senate, March 18, 1824, and endeavoring to show that the practice had the authority of early precedent, said that he "believed the first embargo was agreed upon in caucus" (*Annals of Congress*, Eighteenth Congress, first session, I. 363). If the Senator from Maryland was speaking of the embargo of 1794, the caucus in question must have taken place in the first session of the Third Congress.

<sup>1</sup> According to the mode of voting then in force, the electors voted for two persons as President and Vice-President, without specifying which of the two they chose for President and which for Vice-President: the one who obtained the greatest number of votes became President. Hamilton's plan consisted in associating a second popular candidate (Pinckney) with Adams, and in recommending the electors, in order not to scatter their votes, to give both candidates an equal number of votes, in the hope that Adams, being one or two votes short, would be beaten by his colleague.

<sup>2</sup> Cf. Hamilton's letter to T. Sedgwick of May 4, 1800 (*The Works of Alexander Hamilton*, ed. by J. C. Hamilton, New York, 1856, VI. 436).

<sup>3</sup> *Memoirs of the Administrations of Washington and John Adams*, by Geo. Gibbs, II. 347; *The Life and Correspondence of Rufus King*, New York, 1896, III. 238, 240.



pletely destroyed the whole scheme of the provisions of the Constitution for the election of the President. The electoral device adopted by the Federalist caucus became known through a private letter from one of its members to his constituents; the caucus took care not to give it out in its own name, it wrapped all its proceedings in profound secrecy. And when W. Duane denounced them in the passage just quoted from his paper *Aurora*, and attacked the practice of caucuses, the "Jacobinical conclave," he was called before the bar of the Senate for his "false, defamatory, scandalous and malicious" assertions, and barely managed to escape from the formal proceedings which had been taken against him. In the Anti-Federalist press of Boston a violent protest was also made against the "arrogance of a number of the Congress to assemble in an electioneering caucus to control the citizens in their constitutional rights."<sup>1</sup> But this did not prevent the Republicans themselves, the Anti-Federalist members of Congress, from holding a caucus, also secret, for the nomination of candidates to the two highest executive offices of the Union; they had only to concern themselves with the vice-presidency, however, since Jefferson's candidature for the first of these posts was a foregone conclusion.<sup>2</sup> It seems that Madison, the future President of the United States, took the leading part in this caucus.<sup>3</sup>

At the next presidential election, in 1804, the Congressional Caucus reappeared, but on this occasion it no longer observed secrecy. The Republican members of Congress met publicly and settled the candidatures with all the formalities of deliberative assemblies, as if they were acting in pursuance of their mandate. The Federalists, who were almost annihilated as a party since Jefferson's victory in 1801, gave up holding caucuses altogether. Henceforth there met only a Republican congressional caucus, which appeared on the scene every four years at the approach of the presidential election. To strengthen its action in the country it provided itself (in 1812) with a special organ in the form of a corresponding committee, in which each state was represented by a member, and

<sup>1</sup> The author of this attack, signed "Old South" (the pseudonym of Benjamin Austin, a well-known Republican writer), gives us on this occasion a good specimen of the style of the times. Addressing a Federalist writer who has given the news of the Federalist caucus, he reproaches him in these terms: "What! Decius! are you daring enough to arrest the votes of Americans by telling them that their servants in Congress have already decided the choice? Are you so abandoned as to stab the Constitution to its vitals by checking the free exercise of the people in their suffrage? If you are thus desperate . . ." etc. (quoted in Niles's *Weekly Register*, Baltimore, XXVI. 178).

<sup>2</sup> Niles, XXVII. 66.

<sup>3</sup> Cf. *Annals of Congress*, sitting of the Senate, March 18, 1824, speech by Smith of Maryland.



which saw that the decisions of the caucus were respected. Sometimes the state caucuses intervened in the nomination of candidates for the presidency of the republic; they proposed names, but in any event the Congressional Caucus always had the last word. Thus in 1808, with two powerful competitors for the succession to Jefferson, Madison and Monroe, both put forward in the influential caucus of Virginia, the Congressional Caucus pronounced for Madison, while taking the formal precaution to declare that the persons present made this recommendation in their "private capacity of citizens." Several members of Congress, who did not want to have Madison, appealed to the country, protesting not only against the regularity of the procedure of the caucus, but against the institution of the caucus itself.<sup>1</sup> The caucus none the less won the day, the whole party in the country accepted its decision, and Madison was elected.

The same thing took place in 1812 in spite of an attempted split in the state of New York, the legislature of which officially brought forward its illustrious statesman, De Witt Clinton, against Madison, who was seeking re-election. In vain did the legislature of New York, in a manifesto issued for the occasion, try to stir up local jealousies, by protesting against the habitual choice for the presidency of citizens of the states of Virginia, against the perpetuation of the "Virginia dynasty"; in vain did it raise up the bitter feeling of state sovereignty, by pointing out that the nomination of a candidate for the presidency by an association of members of Congress, convened at the seat of government, was hostile to the spirit of the Constitution, which intended the President to be elected not by the *people* of the United States, in the sense in which they may be said to choose the members of the House of Representatives, but by the *states composing the Union in their separate sovereign capacities*; in vain did it appeal to democratic susceptibilities by denouncing the usurpation by the coterie of the Congressional Caucus of a right belonging to the people.<sup>2</sup> Madison was re-elected. In 1816, when the caucus met again<sup>3</sup> to choose a successor to Madison, Henry Clay brought in a motion declaring the nomination of the President in caucus inexpedient, but his proposal was rejected; a similar resolution introduced by Taylor of New York shared the same fate.

<sup>1</sup> R. Hildreth, *History of the United States*, VI. 65.

<sup>2</sup> Niles, III. 18.

<sup>3</sup> In this caucus not only the members of the Congress took part, but also the delegates from the territories of Indiana and Illinois. The last named retired, from considerations of propriety, that the members of the caucus might decide in his absence whether delegates should be permitted to vote. One must believe that the question was decided in the affirmative, since the delegate from Indiana is found among those voting. (*Ibid.*, X. 59.)

The caucus adopted the candidature of Monroe, who was Madison's favorite, just as this latter was in a way designated to the caucus by his predecessor Jefferson. The majority obtained by Monroe was but slight (65 votes to 54), but as soon as the result was announced Clay at once requested the assembly to make Monroe's nomination unanimous.<sup>1</sup> Such was the weight which the decision of the majority of the caucus had with every member, it was considered binding in honor on him as well as on every adherent of the party in the country who did not care to incur the reproach of political heresy, of apostasy. Under cover of these notions there arose in the American electorate the convention, nay, the dogma, of *regular* candidatures, adopted in party councils, which alone have the right to court the popular suffrage.<sup>2</sup> Complying with this rule, the electors, who, according to the Constitution, were to be the unfettered commissioners of the people in the choice of the chief magistrate, and to consult only their judgment and their conscience, simply registered the decision taken at Washington by the Congressional Caucus.

The authority of the Congressional Caucus which got its recommendation accepted with this remarkable alacrity and made the "nomination" equivalent to the election, rested on two facts. On the one hand, there was the prestige attaching to the rank of the men who composed the caucus and to their personal position in the country. They represented in the capital of the Union the same social and political element, and in a still higher degree, which the members of the legislative caucus represented in the states, that is, the leadership of the natural chiefs, whose authority was still admitted and tacitly acknowledged. The elevation of Jefferson to the presidency, which it is the fashion to describe as the "political revolution of 1801," was in point of fact only the beginning of a new departure. Far from upsetting the old fabric at once, it installed democratic doctrines in governmental theories, but not in the manners of the nation; and a quarter of a century will be needed, with the exceptional aid of events of a non-political character, to draw the practical conclusions from these doctrines and theories and make them part of the political habits of the people.<sup>3</sup> The latter still took its orders from the men who impressed it by their superiority and who naturally formed a somewhat exclusive and intimate circle.

<sup>1</sup> *Ibid.*

<sup>2</sup> Cf. the address of the legislature of New York already mentioned, Niles, III. 17; Matthew Carey, *The Olive Branch*, Philadelphia, 1818, Chap. 78, on the congressional caucus.

<sup>3</sup> Josiah Quincy, in the picture which he has left of Washington society in 1826, remarks that "the glittering generalizations of the Declaration were never meant to be taken seriously. Gentlemen were the natural rulers of America after all" (*Figures of the Past*, Boston, 1883, p. 264).

The members of the Congressional Caucus and the members of the legislative caucuses of the states, or, to use Hamilton's expression, "the leaders of the second class,"<sup>1</sup> constituted in fact a sort of political family, and the latter spontaneously became the agents of the Congressional Caucus; they were, in the language of a contemporary, as "prefects" to it,<sup>2</sup> set in motion by a simple exchange of private letters.

Again, the members of the caucus represented the *force majeure* of the interests of the Republican party, which enforced discipline, which compelled obedience to the word of command from whatever quarter it proceeded. It was necessary to defend at all costs the republic and liberty, both of which the Federalists were supposed to endanger. The Federalist party soon succumbed, but the recollection of the dangers, real or imaginary, to which liberty and equality were exposed by it, survived it, and for many a long day was a sort of bugbear which the leaders of the victorious party had no scruple about using for the consolidation of their power. To prevent the Federalists from returning to the charge, the Republicans had to carefully guard against divisions, and it was to avoid them, to concentrate all the forces of the party in the great fight for the presidency, that the Congressional Caucus obligingly offered its services.

This system of intimidation was reinforced by an electoral method which made the minority absolutely powerless and gave the caucus an exceptional vantage-ground.

#### IV.

The Constitution having left it to the states to settle the mode of appointment of the presidential electors, the states took the opportunity to adopt a variety of systems; here the state was divided into as many districts as there were electors to be appointed, and each district appointed its own; there the citizens of the whole state voted for all the electors on a general ticket; finally, in several states the legislatures took the choice of the electors into their own hands. The first system allowed either shade of political opinion its proper influence, whereas the two last, which soon spread over the greater part of the Union, ruthlessly stifled the voice of minorities, or even enabled a minority to usurp the rights of the majority. Even in states where the district system was in force, the majority laid out the districts in such an arbitrary and irregular

<sup>1</sup> *Works*, VI. 444, and *passim*.

<sup>2</sup> *Niles*, XXVII. 38.



way (gerrymandering) that they included very slight majorities of its adherents, side by side with very large minorities of its opponents; the districts were not always composed of adjoining territories, nor was their representation equal; one elected one representative, while another would elect two, three, or four. It was the eternal craving for domination which in American political society, the first formally based on right, on the legally expressed will of the majority, adapted itself to the new circumstances: deprived of the use of brute force, it set up, from the very beginning, majorities and minorities seeking to circumvent one another by devices of vote-counting. The divergent views on the Constitution and its interpretation, which broke out from this early date, gave the sanction of principles and convictions, often sincerely held, to these efforts to supplant the other side by expedients of electoral legerdemain; styling itself here "Republican party," there "Federalist party," the majority or the pretended majority everywhere tried to annihilate the minority in the name of the good cause.

To the cause embodied in the "party" was added another pre-occupation connected with a political prejudice which was one of the most powerful factors in the organization of the new republic and in its early life. This was the jealousy of the small states anxious to assert their "sovereignty" against the large, rich and populous states. The Federal Constitution, it is true, adopted a compromise which conciliated the small states by giving them representation equal to that of the larger states in the federal Senate. But the House of Representatives was composed of members elected in the states on the basis of population, and there, as well as in the college of electors, large states and small states confronted each other again as such. The states, even the large ones, which followed the district system, which elected their representatives by districts where the majority belonged now to one party and now to the other, could not help returning a mixed set of members, divided against themselves, incapable of reflecting the individuality of the state, while the states that chose their members on a general ticket, which prevented the different opinions in the state from coming out with their due weight, secured a homogeneous and compact representation. This being the state of affairs, the pious solicitude for the autonomy of the state sanctified, in its turn, the party greed which used the general ticket as a weapon for overthrowing competitors; it became a measure of self-preservation necessary for safeguarding the position of the state in the Union. For these reasons some states which originally adopted the district system abandoned it for the general ticket. Virginia set the example from

the year 1800,<sup>1</sup> while condemning the general ticket in the preamble of the law which introduced it.

But the advantages offered by the general ticket for ensuring the supremacy of the party and the sovereign individuality of the state could be secured only on condition of the single list being regularly put into shape somewhere on behalf of the people which was to vote it; otherwise the desired concentration could never be carried out over the whole state. This being so, the Congressional Caucus and its local agencies had only to come forward; they undertook to prepare the lists, and the people accepted the duty of voting them. The general ticket called for the caucus, the caucus smoothed the way for the general ticket, and each made over to the other the rights of the people, the full and independent exercise of the electoral franchise. While the general ticket claimed to prevent the "consolidation" of the states, the caucus consolidated in each state power in the hands of a few. Moreover a dissentient presidential elector having no chance of being returned under the general ticket, the "imperative mandate" became logically and almost spontaneously the rule for the electors, to the advantage of the candidates adopted by the Congressional Caucus. Thus in the first and in the second instance, voters and electors both abdicated their independence.

Sometimes, when the electoral contest was particularly keen, and the issue seemed doubtful, the leaders of the caucuses, fearing that the defection of a few supporters might prevent these automaton-electors from securing all the popular votes necessary for investing them with the office, got the appointment of them transferred to the legislatures in which they commanded a majority made up of themselves. It was not uncommon for the electoral system to be changed on the very eve of the elections, the general ticket or appointment by the legislature being substituted, by a sort of legislative *coup d'état*, for the district system. Disregarding all principle and all rule, the party in power shuffled the electoral arrangements like a pack of cards to suit the convenience of the moment.<sup>2</sup>

These malpractices, as well as the chaos of electoral systems they brought with them, soon caused a revolt in the public conscience, and a movement was set on foot to demand a uniform and

<sup>1</sup> "To give Virginia fair play," as Madison, who was the principal author of the measure, expressed himself in a letter to Jefferson, who gave the measure his approval. (*Letters and other Writings of J. Madison*, 1867, II. 155).

<sup>2</sup> Thus for instance Massachusetts, which voted in the first three presidential elections on the district system, in 1800 exchanged it for appointment of the electors by the legislature, then, in 1804, decreed the general ticket, and in 1808 reverted to appointment by the legislature. North Carolina practised the district system down to 1804, and in 1808 substituted for it the general ticket which, in 1812, made way for appointment by the legislature.



really popular mode of election, on the basis of the district system. An amendment to the Constitution of the United States was to enforce it on the whole Union. Proposals in this direction had already been submitted on several occasions to Congress, starting in the year 1800,<sup>1</sup> but after the election of 1812 they became more common. In the proposals brought forward from 1813 onwards, almost every year, either in the Senate or in the House of Representatives, one of the principal arguments against the general ticket was that it encouraged or necessitated the regrettable practice of the caucus.<sup>2</sup> It was pointed out with sorrow that the caucus, combined with the general ticket, had destroyed the whole economy of the plan devised by the authors of the Constitution for the election of the President. To quote one of the many speeches delivered on these occasions and which, by the way, throws light on the whole problem of the permanent party organization in its relations with the electoral régime: "In the choice of the chief magistrate (by the electors) the original primary act was to be theirs—spontaneously theirs. The electors were free to choose whomsoever they pleased. . . . How hideous the deformity of the practice! The *first* step made in the election is by those whose interference the Constitution prohibits. The members of the two Houses of Congress meet in caucus, or convention, and there ballot for a President or Vice-President of the United States. The result of their election is published through the Union in the name of a recommendation. This modest recommendation then comes before the members of the respective state legislatures. Where the appointment ultimately rests with them, no trouble whatever is given to the people. The whole business is disposed of without the least inconvenience to them. Where, in *form*, however, the choice of electors remains with the people, the patriotic members of the state legislatures, vying with their patriotic predecessors, back this draft on popular credulity with the weight of their endorsement. Not content with this, they benevolently point out to the people the immediate agents through whom the negotiation can be most safely carried on, make out a ticket of electors, and thus designate the individuals who, in their behalf, are to honor this demand on their suffrages. Sir, this whole proceeding appears to be monstrous. It must be corrected, or the character of this government is fundamentally changed. Already, in fact, the

<sup>1</sup> The first proposals were brought before the House of Representatives on March 13, 1800, by Nicholas, then by Walker on behalf of the legislature of New York on February 15, 1802; by Stanley on behalf of the legislature of North Carolina on February 20, 1802; in the Senate by Bradley on April 16, 1802, etc.

<sup>2</sup> *Annals of Congress*, Thirteenth Congress, first session, speech of Pickens in the House of Representatives, January 3, 1814.



Chief Magistrate of the nation owes his office principally to *aristocratic* intrigue, cabal and management. Pre-existing bodies of men, and not the people, make the appointment. Such bodies, from the constitution of nature, are necessarily directed in their movements by a few leaders, whose talents, or boldness, or activity, give them an ascendancy over their associates. On every side these leaders are accessible to the assaults of corruption. I mean not, Sir, that vulgar species of corruption only, which is addressed to the most sordid of human passions, but that which finds its way to the heart, through the avenues which pride, ambition, vanity, personal resentment, family attachment and a thousand foibles and vices open to the machinations of intrigue. Their comparatively 'permanent existence,' and concentrated situation afford the most desirable facilities for the continued operation of the sinister acts. It is not in nature that they should long operate in vain; nor is it in nature that the individual elected by these means should not feel his dependence on those to whom he owes his office, or forego the practices which are essential to ensure its continuance, or its transmission in the desired succession. . . . I dare not promise that the adoption of this amendment by the states will put an end to cabal, intrigue and corruption in the appointment of a President. No human means can be adequate to that end. But I believe it demonstrable that this amendment will deprive cabals of facility in combination, render intrigue less systematic, and diminish the opportunities of corruption. . . . Faction cannot but exist, but it will be rendered tolerant."<sup>1</sup>

But the general ticket had its ardent defenders, who dwelt with vehemence on the dangers which the substitution for it of the district system would present from the standpoint of the rights of the states and the balance of power between the small states and the large ones.<sup>2</sup> At the same time some of the most virulent champions of the general ticket admitted the serious abuses which had crept into the presidential election by declaring, like Randolph, that the appointment of electors had become "a mockery—a shadow of a shade." But they insisted that the district system was no remedy, that the mischief lay not in the electoral system, but in the practice of the caucus: "Divide the state into districts, will that destroy the caucus? Oh, no; the men whose interests it may be to preserve the monster will still protect him. He will laugh at your vain attempts, and again and again trampling down the weak defences of the Con-

<sup>1</sup> *Annals*, *ibid.*, speech of Gaston, pp. 842, 843; see also the speeches of Gholson, same sitting; of R. King and of Harper in the Senate, March 20, 1816.

<sup>2</sup> *Ibid.*, Fourteenth Congress, second session; speech of Randolph, December 18, 1816; of Grosvenor, December 20, 1816; of Barbour in the Senate, January, 1819.

stitution, he will, as it shall please him, or rather as it shall please the existing Executive, make and unmake Presidents with the same ease as did the praetorian cohorts the masters of the Roman world. . . . No, Sir, let the majority of Congress cease to do evil. Let them scorn to be made the instrument of party, to elevate any man in violation of the Constitution. Let them meet no more in caucus. Thus, and thus only, Sir, can the object be accomplished."<sup>1</sup> The partisans of the district system, on their side, persisted in asserting that the "so objectionable practice was inseparable from any mode of undivided vote," that it was this which made the elector a machine set in motion by the caucus-ticket.<sup>2</sup>

From year to year these arguments were repeated on both sides, but the solution of the question made no progress. The House of Representatives—where the populous states, which derived additional power from the general ticket system or from the appointment of the electors by the Legislature, easily commanded a majority—systematically rejected all proposals for amending the Constitution. In the Senate, where the small states were represented on the same footing as the large ones, the district system met with a much more favorable reception. Three times the amendment obtained the constitutional majority in the states' chamber, but it was never able to command two-thirds of the votes in the popular section of Congress. The fortress of the general ticket thus remained intact, and, under its shelter, the caucus continued its existence.

V.

Yet the external defences with which the general ticket encircled the caucus could not long protect it, for its own forces were giving way, the two great forces, ~~social and political~~, of the leadership and of the categorical imperative of the party. They had been slowly but steadily declining almost from the beginning of the century which witnessed the elevation of Jefferson and the triumph of democratic doctrines in the theories of government. The annihilation of the Federalists put an end to the division into parties, and Jefferson's famous remark, "We are all Republicans, we are all Federalists," was destined shortly to represent the real state of things. The survivors of the Federalist party gradually fused with the Republicans, and when Monroe came into power, the old landmarks were definitively obliterated; the Constitution which had aroused so many passions and animosities now inspired every citizen with sentiments of admiration and adoration; under its aegis the country was ad-

<sup>1</sup> Speech of Grosvenor, quoted above.

<sup>2</sup> Speech of Pickens, December 18, 1816.



vancing with giant strides, released from all party preoccupation; "the era of good feelings" had dawned in political life. And yet the Congressional Caucus, in putting forward its candidates, repeated the old refrain which exhorted the people to rally round them to confront the enemy, when there was no enemy; it invoked the sovereign cause of the party when the "party" no longer had any particular cause and represented only a memory of the past. But the less the ruling politicians were separated by differences on points of principle, the more readily did their narrow circle become a field for intestine strife and for intrigue. Hardly had Monroe's second administration begun (in 1821) when they were seized with the "fever of president-making." Several candidatures arose; all the candidates claimed to represent the firm of the Republican "party"; each candidate had his friends in Congress, who intrigued and plotted for him, waging a secret and pitiless war on all his rivals. They would have been glad enough to back up their claims with principles, with "great principles," but no distinctive principles could be discovered, not even with a magnifying glass.<sup>1</sup> One of the candidates for the presidency, Crawford, hit upon another expedient: being Secretary of the Treasury in Monroe's administration, and disposing of a somewhat extensive patronage, of places and favors to bestow, he did not scruple to use them to secure adherents. These bargainings and cabals seemed to justify the complaints of the intervention of members of Congress in the presidential elections, so often made in the course of the periodical debates on the general ticket. The prestige of the leadership could no longer shield the practices which were indulged in at Washington, for this prestige was profoundly impaired; it had been systematically undermined for a quarter of a century by the social and economic revolution which was going on in the American republic.

The politico-social hierarchy which Puritanism had set up in New England, and which was the outcome of an alliance between the magistracy, the clergy, property and culture, was collapsing. The eclipse of the Federalists, who were the living image of government by leaders, robbed it of one of its strongest supports. The influence of the clergy, which had been one of the main props of the Federalists, was being thrust out of lay society. On the other side of the Alleghanies, on the virgin soil of the West, a new world was growing up, free from all traditions, because it had no past; instinct with equality, because its inhabitants, who were all new-comers, parvenus

<sup>1</sup> "Could we only hit upon a few great principles and unite their support with that of Crawford" (one of the candidates), wrote a Senator on his side, "we should succeed beyond doubt." *Martin Van Buren*, by E. M. Shepard, p. 92.



in the elementary sense of the word, resembled each other. And this country of the West was advancing daily in population, in wealth, and in political importance. The old states were also celebrating great triumphs, due to the marvellous rise of their commerce and their industry; but their new prosperity acted rather as a dissolvent of the old order of things, it created a new class of rich men, composed of successful merchants and manufacturers; these *nouveaux riches* supplanted the old ones, without, however, taking their place in the esteem and the reverence of the people. The rapid growth of the cities helped to destroy the old social ties. At the same time the individual was being directly urged by men and things to shake off the old servitudes, or what was represented to him as such. The triumph of Jefferson, in 1801, without effecting a democratic revolution in habits, gave an extraordinary impulse to the propaganda of democratic ideas, made them the object of an almost ritual cult. Politicians vied with each other in repeating that the voice of the people is the voice of God, that before the majesty of the people everything should bow. Writers popularized and gave point to these ideas. In pamphlets composed for the farmers and the mechanics they preached a crusade against "money power," banks, judges appointed by the government, and against all the other aristocratic institutions, the mere existence of which was an insult to the sovereign people.<sup>1</sup>

The lesson which the American citizen learnt from things was not less stimulating. Material comfort was increasing with unprecedented rapidity. The series of great inventions which marked the beginning of the century, the steamers which sped to and fro over the vast republic, at that time richer in large rivers than in roads, the natural wealth which sprang from the soil, gave each and all a share in the profits of the economic revolution. Endless vistas of activity opened before every inhabitant of the Union; the soul of the American citizen swelled with pride, with the confidence of the man who is self-sufficing, who knows no superiors. The political sovereignty which was conceded to him with so much deference soon appeared to him as a personal chattel. And then to exercise his proprietary right over the commonwealth, he had no need of another person's intelligence; was it necessary for his success in private life? The leading citizens, therefore, who in Congress or in the legislature of his state, meeting in caucus, dictated to him his line of conduct, the choice of his representatives, became a set of

<sup>1</sup> Cf. W. Duane, *Politics for American Farmers*, being a Series of Tracts exhibiting the Blessings of Free Government as it is administered in the United States, compared with the boasted stupendous Fabric of British Monarchy. Washington, 1807.

usurpers in his eyes. Jealous of their pretended superiority, he grew impatient of their domination.

The small group of these trained politicians, assembled in the capital of the Union, was now plunged in intrigues aiming at the chief magistracy of the republic, and these intrigues were about to have their *dénouement* in the Congressional Caucus, if the established precedent were followed on this occasion again. Would it be followed? Would they dare to do it?—were questions asked in various quarters. And before long the Union became the scene of a violent controversy about the next meeting of the Congressional Caucus; it was discussed in the press, it occupied the public meetings, the state legislatures voted resolutions upon it. One of the candidates for the presidency, Andrew Jackson, who was not a politician, and who was in more than one respect a *homo novus*, could count but little on the favor of the Congressional Caucus; so his electoral managers came to the conclusion that to make his success more certain it was indispensable to overthrow the caucus, and they therefore took an important part in the campaign started against it.<sup>1</sup> Most of the numerous manifestations of public opinion were hostile to the caucus. Its advocates urged in its behalf the plea of the "ancient usages and discipline of party," and strove to prove that it was useful as a means of maintaining the harmony of the Union, and of counteracting the centrifugal tendencies of local competitions, that it represented the country as a whole, etc. But the voices which denounced it as the centre of an oligarchic clique, or as "a powerful machinery confined in the hands of a few presumptuous demagogues," etc., were louder. The greater part of the press was antagonistic to the caucus,<sup>2</sup> and some of the journals, with Niles's *Register* at their head, led the campaign against it with extraordinary vehemence. The worthy Niles wrote: "'As my soul liveth' I would rather learn that the halls of Congress were converted into common brothels than that caucuses of the description stated should be held in them. I would rather that the sovereignty of the States should be re-transferred to England, than that the people should be bound to submit to the dictates of such an assemblage. But the people will not succumb to office-hunters. . . . The great mass of the American people feel that they are able to judge for themselves;

<sup>1</sup> On this point we have the evidence, not to say the avowal, of Jackson's principal election agent, Major Lewis, in the *Narrative* which he supplied to Parton, Jackson's biographer (*Life of Andrew Jackson*, III. 21).

<sup>2</sup> According to Niles, out of 35 Virginian journals only three were for the caucus, in Ohio one journal in 48 was favorable, in New York ten out of 125, in Pennsylvania three out of 100, in Maryland two out of twenty, in Vermont two out of thirteen (*Register*, XXVI. 99).

they do not want a master to direct them how they shall vote."<sup>1</sup> The popular meetings almost without exception condemned the nominations made by the caucus as a flagrant usurpation of the rights of the people.<sup>2</sup> The state legislatures were more divided. In the East the legislative caucuses of New York, Maine and Virginia pronounced for the old practice of nomination by members of Congress,<sup>3</sup> but in Maryland and in some states of the young West the caucus was rejected with indignation by formal votes of the legislatures in official session. At the head of these states of the West was the state of Tennessee, General Jackson's native country. The local legislative caucus hastened, in August, 1822, more than two years in advance of the election, to record a vote recommending him for the chief magistracy. Then the legislature of the state, acting in its official capacity, passed resolutions energetically condemning the practice of the Congressional Caucus and communicated them to all the legislatures of the Union.<sup>4</sup> The reception given by these latter to the intervention of their sister of Tennessee was not of the warmest; the great majority of the legislatures abstained from considering the communication; in others, except in a few cases, it was received rather with disfavor.<sup>5</sup> Tammany Hall

<sup>1</sup> *Ibid.*, XXI. 339.

<sup>2</sup> Among these many meetings should be mentioned a "numerous meeting" of citizens of Cecil County, Maryland, of September 4, 1823, and a "numerous and respectable" meeting of citizens of Jefferson County, Ohio, of December 2, 1823. Their resolutions with long-winded preambles and expressing identical views present a significant contrast in tone and reasoning; those of the old Maryland in the East (see Niles, XXV. 40) bear the stamp of labored legal argument, while the language of the young state of the West, overflowing with enthusiasm, pays no heed to all the "whereas," and bluntly proclaims: "The time has now arrived when the machinations of the *few* to dictate to the *many*, however indirectly applied, will be met with becoming firmness, by a people jealous of their rights. . . . the only unexceptional source from which nominations can proceed is the people themselves. To them belongs the right of choosing; and they alone can with propriety take any previous steps" (p. 4 of the report of the meeting, published in pamphlet form).

<sup>3</sup> Hammond, II. 129; Niles, XXIV. 139; XXV. 292, 370.

<sup>4</sup> In this document the arguments against the Caucus are summed up under five heads, as follows: 1. A caucus nomination is against the spirit of the Constitution. 2. It is both inexpedient and impolitic. 3. Members of Congress may become the final electors, and therefore ought not to prejudice the case by pledging themselves previously to support particular candidates. 4. It violates the equality intended to be secured by the Constitution to the weaker states. 5. Caucus nominations may in time (by the interference of the states) acquire the force of precedents and become authorities, and thereby endanger the liberties of the American people" (*ibid.*, XXV. 137-139).

<sup>5</sup> See especially the message of Governor Troup of Georgia to the legislature, and the decision of the senate of the state of New York (Niles, XXV. 293, 323). The first-mentioned expressed himself somewhat harshly about the step taken by the Tennessee legislature: "What precise and definite meaning the legislature of Tennessee designed to attach to the word caucus, I cannot conceive," says the governor. "It is not an English word—it is not to be found in our dictionary, and being an uncouth word,



came out straight for the caucus, by passing a resolution: "we do seriously desire a congressional caucus . . . as the system of caucus nominations by Congress and by the legislature has, heretofore, sustained us in adversity and contributed to our triumph." But in the popular meetings, and in most of the newspapers, the attacks on the caucus continued without intermission.

## VI.

In Congress the intrigues of the rival factions also continued; the friends of all the candidates, excepting those of Crawford, resolved to take no part in the caucus, for if they attended it, they would be obliged, in pursuance of the non-written law of caucuses, to bow to its decision, were it voted by a majority of one only, and to give up their favorite candidates at once; in any event, if no candidate obtained a majority in the caucus, as was becoming probable owing to the multiplicity of candidatures, they would all issue from it with lowered prestige. A preliminary canvass had proved that two-thirds of the Republican members of the Congress refused to meet in caucus; Crawford's partisans none the less persisted in convening it. By way of meeting the reproaches which were levelled at the caucus of being a "Jacobinical conclave," its organizers decided that it should be held in public. It took place on the 14th of February, 1824, in the hall of Congress. Directly the doors were opened an enormous crowd thronged into the galleries, but on the floor of the brilliantly lighted chamber the seats of the members of the caucus remained almost empty. At last it was ascertained that of two hundred and sixteen members summoned, sixty-six had responded to the appeal.<sup>1</sup> Crawford obtained an almost unanimous

and of harsh sound, I hope never will. It is not to be found in either the constitution or laws of Tennessee, and being a mere abstract conception, cannot become a subject of legislation at all. The paper evidently refers to a contemplated meeting of the members of Congress to influence a decision of a certain question. Can any act of the legislature of Tennessee affect the persons of members of Congress or others at the city of Washington? There it has no more jurisdiction than it has beyond sea. Members of Congress, like all other officers of government, stand in two relations to society, the one public, the other private—they forfeit nothing of their rights by assuming public duties. . . . It is thus that legislatures, on the eve of great elections, stepping aside from their legitimate province, enter the field of contention, inflame the angry passions, making contentions more fierce, and the tumult more boisterous" . . .

<sup>1</sup> Niles, who was among the spectators, published a report of the caucus in his paper: . . . "The great hall of the House of Representatives was brilliantly lighted up, and here and there a member was seated and every now and then we saw another in the vast distance as if seeking the sheltering shadow of a friendly column. 'Adjourn, adjourn,' said several of the crowd in the gallery, perhaps loud enough to be heard in the caucus *below*, but others said 'go on,' and one added, 'let us see them commit political suicide, and destroy their friend.' Some wondered at the thinness of the meeting, and one man seemed quite distressed about it, for indeed it was a sorry sight." . . . With-

vote, but it was that of a small minority of the party only and the result simply proved the inability of the caucus to effect the concentration which was its *raison d'être*. Nevertheless it issued a long manifesto to demonstrate the necessity of persisting in the old practice and to warn the public of the disastrous effects likely to ensue from its abandonment, which would not be confined to the election of the President and the Vice-President, but would shatter the whole existing system of nominations to elective offices and ruin Republican ascendancy. The signatories of the manifesto insisted that no less a matter than the "dismemberment or the preservation of the party" was at stake.<sup>1</sup> Salvation therefore lay in the maintenance at all hazards of the traditional organization of the party.

The manifesto made no impression on public opinion, and the champions of the caucus soon had to withstand a great onslaught which was made on them in Congress. The handle for it was given by the everlasting question of the electoral régime, of the general ticket, or the district system. A long discussion arose in the Senate, which was transformed almost immediately into a passionate debate on the caucus. In the preceding discussions the caucus had been placed in the dock as the accomplice of the general ticket; now it was its own case which came before the court. Rufus King, one of the survivors of the generation which had founded the republic, opened fire with a long indictment of the "new, extraordinary, self-created central power, stronger than that of the Constitution, which threatens to overturn the balance of power proceeding from its division and distribution between the states and the United States," to degrade the legislature, to hand over the government to coteries of men "regulated by a sort of freemasonry, the sign and password of each at once placing the initiated in full confidence and communion with each other in all parts of the Union," etc.<sup>2</sup> In supporting Rufus King's attack, other senators protested against the assertion that the recommendations of the caucus were but a simple expression of opinion of private citizens, and that they committed nobody. It was precisely the influence attaching to their capacity of members of Congress which was the foundation of the Congressional Caucus, according to its opponents. And, in fact, they added,

out any consideration at all (of the candidatures) "the members of Congress and caucus were summoned by states, to give in their votes, tellers being appointed to count them. . . . When the proclamation was made some 'Buckingham' in the gallery induced two or three persons to clap their hands, as much as to say, 'long live Caucus,' but a pretty general hiss came out at nearly the same moment." (*Register*, XXV. 405.)

<sup>1</sup> *Ib id.*, 391.

<sup>2</sup> *Annals of Congress*, Eighteenth Congress, first session, sitting of March 18, 1824, pp. 355-362.

can it be maintained that the meetings which take place in the hall of Congress with their chairman in the Speaker's chair and the officers of the House at the doors, are meetings of private persons? It would be arguing like the priest who, when insulted on his way to church, threw off his gown exclaiming, "Lie there, *divinity*, until I punish that rascal;" and then, "having, in his private capacity, inflicted the chastisement, resumed the character of clergyman and proceeded to preach up charity and forgiveness of injuries, love to God and good-will towards man."<sup>1</sup> The perpetuation of the Congressional Caucus will open the door to the greatest abuses and to corruption. "It is an encroachment on the sovereignty of the people, the more alarming, inasmuch as it is exercised in the corrupt atmosphere of executive patronage and influence. Make me President, and I will make you a Minister, or Secretary, or, at all events, I will provide you with a good berth, suited to your wants if not to your capacity. . . . The President and Congress were intended by the wise framers of the Constitution to act as checks each upon the other, but by the system at present practised, they lose the benefit of this salutary provision."<sup>2</sup>

The defenders of the caucus, far more numerous in the Senate, took rather a high tone with its opponents. There was nothing, they declared, new-fangled in the caucus system, "it originated with the Revolution itself. It was the venerated S. Adams or his father who first suggested it. Was there any intention to recommend a man who was abhorrent to the people? If the people are united in favor of another man, the recommendation would not weigh a feather. The old adage is that by its fruits the tree shall be known. What has been the result of this practice for the last twenty years? Has your Constitution been violated? Is not our happy situation an object of congratulation? Is not every nation which is striving to break the fetters of slavery, looking to us as the landmark by which they are to be guided? These are the fruits of this system, which has been followed, in relation to the presidential election, from 1800, up to the present day; which has been sustained by the people; and which has some of the greatest names of the country to support it."<sup>3</sup> The attacks on the caucus were due rather to the rancor of a defeated party or to personal considerations. "It was by the caucus," said Senator Noble, "that the power then in the hands of Federalists was dislodged, and from my youthful days I said Amen! and so I say now."<sup>4</sup> Developing this

<sup>1</sup> *Annals*, *ibid.*, p. 382, speech of Hayne.

<sup>2</sup> *Annals of Congress*, Feb., pp. 412, 413, speech of Branch.

<sup>3</sup> *Ibid.*, 391, 392, speech of Barbour of Virginia.

<sup>4</sup> *Ibid.*, 374.



idea, the president of the last caucus, Smith, declared in his turn that it was by the caucus that the Republican party had been brought into power. "The bridge which has carried me safe over, I call a good bridge. . . . I act as a party man and have no hesitation in saying that I wish to keep my party in power; that I believe the caucus system is the most effectual means; and that when we cease to use it, we shall thereby deprive ourselves of one most powerful instrument. . . . In a government like ours, where many of our great officers are elected, there must be some mode adopted whereby to concentrate the votes of the people. The caucus system is certainly the best. For the presidency, for instance, is it not rational to suppose that the members of Congress have better opportunities of knowing the character and talents of the several candidates than those who have never seen them and never acted with them? However, the caucus mode is denounced, and now let us see what is to be substituted."<sup>1</sup>

The debate lasted for three days; more than twenty speakers took part in it. At last the Senate, wearied out, adjourned the discussion *sine die*. But it was clear to every one that the verdict had been given, that the Congressional Caucus was doomed. After the fiasco of the last meeting of the caucus, from which two-thirds of the Republican members of Congress absented themselves, the great debate in the Senate gave it the finishing blow. "King Caucus is dethroned," was said on all sides. And it made no attempt to recover its sovereignty; the animadversion which it aroused in the country was too great.

## VII.

As the authors of the manifesto issued on behalf of the last Congressional Caucus had foreseen, its collapse entailed that of the whole system of nomination for elective offices by caucuses. The legislative caucuses in the states had also to retire before the rising democratic tide. Their ranks had already been broken into before the explosion of democratic feeling which began with the third decade of this century. In the legislative caucuses composed only of members of the party in the legislature the districts in which their party was in a minority were left unrepresented, and yet decisions were taken in them which bound the party in the whole state; sometimes, even, the caucus represented only the minority of the party in the state. To meet the complaints made on this score, the caucuses decided, towards the latter part of the first decade, to take in delegates elected *ad hoc* by the members of the party in the districts

<sup>1</sup> *Annals of Congress*, *ibid.*, 395-398.

which had no representatives in the legislature. In this way a popular element was introduced into the oligarchical body of the caucuses and with powers expressly conferred. It mattered little that this innovation was not due, in the first instance, to the feeling that the caucus was usurping the rights of the people, but to the fact that it did not provide the party with a materially complete representation. The gap was made, and it was destined to go on widening until the whole people could enter by it. Rhode Island is perhaps the first to supply an example of a "mixed" caucus, about the year 1807, for the nomination of candidates to the high offices of the state.<sup>1</sup> The following year we see it introduced into Pennsylvania, after a campaign in which the proposal to entrust the nomination of the candidates to special delegates did not find much favor with the population, which held that the sending of delegates would cause "trouble and expense" and divisions in the party into the bargain. It was the Republican caucus which, to silence the rival faction, itself invited the counties represented by non-Republicans to send delegates on the basis of local representation to the legislature, to join with the Republican members of the legislature in nominating candidates for the posts of governor and lieutenant-governor. The first mixed caucus met on March 7, 1808, at Lancaster.<sup>2</sup> The violent strife of factions which filled the political

<sup>1</sup> *The Development of the Nomination Convention in Rhode Island*, by Neil Andrews. The author of this interesting study fixes the date of the first mixed caucus at 1810; but the quotations given by Mr. Andrews from the *Phoenix* of February 14 and March 7, 1807, referring to the "General Convention of the Democratic Republicans of the State of Rhode Island," seem to me to indicate that a mixed caucus was there referred to, and not a pure caucus, since further notices, which explicitly mention the participation of delegates, designate these gatherings by the same term, general convention, even emphasizing the word *general*, and adding: . . . "therefore desired to elect delegates." . . .

<sup>2</sup> "Pennsylvania Politics Early in this Century," by W. M. Meigs, in *Pennsylvania Magazine of History and Biography*, Vol. XVII., Philadelphia, 1894. According to Mr. J. S. Walton (article cited above on the "Nominating Conventions in Pennsylvania") a mixed caucus for the nomination of electors was held early in 1796, while in 1800 they were again nominated in a "pure caucus." This last statement is, without doubt, an error. As a matter of fact, there was no opportunity in 1800 to nominate electors in either a pure or a mixed caucus, for the very good reason that they were appointed by the legislature in its official capacity, by a joint vote, as in so many other states, in which the legislature assumed the legal right to choose the electors. This appointment of the electors by the legislature of Pennsylvania in 1800, was the result of the following circumstances: the law which provided for the choice of the electors by the people, on a general ticket, expired before the presidential election of 1800, and was not renewed by the legislature, nor was a new law enacted, for the two houses—the Senate being Federalist and the House Republican—could not agree upon a method of choosing the electors. The legislature adjourned without coming to any decision, and Pennsylvania seemed about to be deprived of her voice in the approaching presidential election. Governor McKean thereupon called an extra session of the legislature for November, 1800, and after a good deal of squabbling the houses united upon a list of electors, seven of whom were selected by the Senate and eight by the House.

life of Pennsylvania produced in about ten years a new variation in the constitution of the bodies which made the nominations of the candidates. The sharp attacks of the faction of the "Old-school Democrats" on the "intrigues of the Executive, and of his servants the Assemblymen," decided their rivals to summon, in 1817, at Harrisburg, a popular convention of delegates from the counties, in which the members of the legislature were to sit only in the absence of special envoys from their county. The name of convention, which, from the very beginning, was used to designate gatherings of citizens from several places, or "general meetings," became in the meantime the regular appellation of the representative meetings of delegates. The Harrisburg convention was attended by sixty-nine delegates and forty-four members of the state assembly.<sup>1</sup> The "mixed caucus" thus made room for the "mixed convention," the principle and basis of which were of a popular nature, and to which the members of the legislature were admitted on a subsidiary footing only. Very often they received a quasi-mandate to this effect: the populations, who did not care about choosing special delegates, "authorized" their representatives in the legislature to sit in their stead; or, again, the convention admitted them by a special vote, they were "voted in as members."<sup>2</sup> The mixed convention was destined to be replaced eventually by the pure convention, composed solely of popular delegates elected on each occasion *ad hoc*. This last form of convention gave a definitive and permanent form, in party government, to the principle and the practice of the authority delegated by the people, the haphazard antecedents of which we have seen arise at the dawn of the American Republic, in the conferences of delegates of the townships of the county, or of delegates of several counties, or even in the sporadic conventions of state delegates. The first pure convention was organized in Pennsylvania in opposition to the first mixed convention of Harrisburg, and on the same day, by the rival faction, which declared beforehand that the Harrisburg convention was only a "mongrel caucus," and convened its own at Carlisle.<sup>3</sup> Yet the "mongrel caucus" won the day and it was not till 1823 that both parties adopted the system of pure conventions.

In most of the other states the legislative caucus disappeared more slowly. In the state of New York the democratic society of Tammany demands, as early as 1813, the summoning of a con-

<sup>1</sup> M. Carey, *The Olive Branch*, 1818, p. 462.—Meigs, the article just quoted.

<sup>2</sup> This procedure was followed in Rhode Island, in 1825. See Neil Andrews, *op. cit.*

<sup>3</sup> Meigs, *loc. cit.*; Walton, *loc. cit.* For the nomination of presidential electors precedents are found of pure conventions in Pennsylvania, even before 1817.



vention of delegates for the nomination of candidates for the posts of governor and lieutenant-governor. But no effect is given to this recommendation; the legislative caucus holds the field. The first mixed caucus appears in New York, as a party move, only in 1817, and in 1824 it is still the caucus which makes the state nominations.<sup>1</sup> But in the course of the same year the conventions of delegates started by the convention of Utica, which was "called to put down the caucus," are permanently established. "The whole caucus system," as was proclaimed at this convention, "had been execrated deep from the hearts of the people. A tone of indignation and disgust at it had gone forth in the land. It could no longer stand."<sup>2</sup> In Massachusetts it is only in 1823 that special delegates are added to the members of the legislative caucus.<sup>3</sup> In Rhode Island, where the participation of popular delegates in nominations made by the members of the legislature was introduced at an early stage, the people show no readiness to depute their delegates. In 1824 it appears that barely a few towns responded to the appeal to send delegates; that in a convention of more than seventy members there are not more than twelve or sixteen who have been really elected.<sup>4</sup> In several states the pure legislative caucus continued to make the nominations of governor and lieutenant-governor even for some time after 1824.

These facts, which show how great the popular inertia, the force of habit, or the prestige of the leadership, were in face even of the rising tide of democracy, explain in a concrete way how the Congressional Caucus was able, in spite of the attacks made on it, to hold its own for no less than a quarter of a century and wield its oligarchical power, with the aid of a few small groups of men scattered throughout the Union. But if democratic feeling did not at once become an irresistible force, if it did not advance by leaps and bounds, it none the less accumulated in the mind of the nation by a daily, hourly process, while the legislative caucus, giving birth to the mixed caucus and the mixed convention, was itself paving the way for new *cadres*; only an accident was required to make the pent-up force explode and shatter the old ones. This accident was the fall of the Congressional caucus of 1824, which sheltered the

<sup>1</sup> Hammond, I. 437; II. 156.

<sup>2</sup> *Two Speeches* delivered in the New York State Convention, September, 1824, with the Proceedings of the Convention, New York, 1824, p. 11.—Cf. the *Autobiography* of Thurlow Weed, Boston, 1883, p. 117, who says that the convention which met at Utica in August (September 24?), 1824, was the beginning of a new political era.

<sup>3</sup> Niles, XXIII. 343. And even this mixed caucus did not make state nominations, but busied itself with the impending nomination for the presidency of the Union.

<sup>4</sup> Neil Andrews, *op. cit.*

old leadership, which supplied it with a centre of action. And its collapse was all the more complete that the "party" on which it leaned had long since lost all vitality, having no longer any distinctive principles or object and aim of its own.

It was, indeed, a double crisis: the democratic revolt was accompanied and stimulated by the crisis of party, the first one of great moment which the American Republic had experienced. The democracy came in to stay, and its purpose has incontestably aided the development of the great commonwealth of the new world. The party crisis was transitory and left behind it no lasting benefit for the republic. The shattered parties were to form anew, but the disease which destroyed them, about 1824, was destined to reappear and to fall upon their successors, more than once, not so much because of new political problems raising new differences of opinion, as because of the old mental habit which prevented a ready adaptation to the changes of time and circumstance. This habit was the notion of *party regularity*. The congressional and legislative caucus developed and strengthened it as a microbe is developed in the organism. An examination of the effects of the caucus, made at the present time, under the perspective of by-gone years and events, would seem to show that the attacks directed against it of old were not sufficiently justified. The indictment of the congressional caucus was, undoubtedly, to a certain extent made up of constructive charges. The exasperation of personal and party-strife, as well as the ardor of the democratic spirit with its exuberance of youthful vigor, had inevitably exaggerated, or at least anticipated, certain abuses of the caucus. In particular the alleged prostitution of patronage, and the bargaining between the Presidents and the members of Congress, which were painted in such sombre colors, do not seem to have presented a grave aspect, however justifiable may have been the apprehensions with regard to the future. Intrigues were not entirely absent from the proceedings of the caucus, but they do not appear to have given rise to actually corrupt practices. The personages raised to the presidency by the caucus were not so much its creatures as men designated beforehand by public opinion, or by a very considerable section of it, owing to their great services and their character. The untoward effects which the caucus really produced and which were destined to weigh heavily on the whole future of the republic consist in having established disastrous precedents and habits of mind which American political life has never been able to throw off; nullifying the scheme devised by the framers of the Constitution for the presidential election and transforming the electors into lay figures, the



caucus has made the chief magistracy of the Union an object of wire-pulling; and to get its scheme sanctioned by the people, it has implanted within them a respect for party conventionalism, for its external badge, has drilled them into a blind acceptance of *regular nominations*.

This last point was by no means overlooked by the antagonists of the Congressional Caucus, and they laid stress on it with great distinctness and energy. As early as at the time of the first great revolt against the Congressional Caucus, provoked in 1812 by the followers of DeWitt Clinton, the very remarkable address issued by them and which has been already referred to, not only protested against caucus nominations as opposed to the sovereignty of the states and the rights of the people, which were thus usurped by an oligarchy, but denounced them with equal vigor as dangerous "to the freedom of election." "Even now," said the address, "acquiescence in the *regular nomination at Washington* is by many considered as the touchstone of republicanism. The individuals or the states that dare to exercise the right of independent choice are denounced as schismatics and factionists; and if already an innovation so recent and so flagrant be called the *regular nomination*, what will be its influence should time and repetition give it additional sanction? . . . Should the practice become inveterate we do not hesitate to say that to promulgate a nomination will be to decree the election." The same moving chord was struck in the last campaign against the caucus, that of 1823-24: "The charm of a 'regular nomination' shall no more have influence upon us; and no candidate shall receive our support who pretends to have any other reliance than his own intrinsic merits. . . . That system, in direct violation of our sacred federal Constitution, is to give to our members of Congress the power of nominating, or what amounts to the same thing under the binding authority of their proceedings in caucus, the power of electing our presidents."<sup>1</sup>

But such were the expressions rather of a few isolated voices, and they were lost in the din of the more effective appeals addressed to popular opinion, to the prejudices of the hour, more especially to the solicitude for the sovereignty of the states and the independence of the Legislative from the Executive and his power of patronage, and above all to the democratic jealousy of the masses. The objects of these sentiments appeared to have more of concrete reality than

<sup>1</sup> Resolutions of a convention of Republican delegates for the several towns in the county of Madison, N. Y.; Niles, XXV. 130, 131, October, 1823. The resolutions of the legislature of Tennessee, which were sent to all the states, are equally illustrative of the point under discussion.



had the autonomy of the political conscience, and it was not adequately realized that state sovereignty and the sovereignty of the people would be but snares, words devoid of meaning, if "freedom of election" were stifled by *party regularity*. At the present time there is no longer any struggle or controversy about state sovereignty; the people have nothing further to fight for in the American republic, democracy is acknowledged absolute master. But the cry: "The charm of a regular nomination shall no more have influence upon us, and no candidate shall receive our support who pretends to have any other reliance than his own intrinsic merits," this cry has lost nothing of its timeliness and reality. It has remained a legacy to be discharged by the American democracy. The efforts that the latter will make to pay it off and to do honor to its name will form one of the most moving of dramas, and one whose vicissitudes will be followed with bated breath by contemporaries no less than by the future historian.

M. OSTROGORSKI.

## DOCUMENTS

### 1. Cartwright and Melville at the University of Geneva, 1569-1574.

PROFESSOR CHARLES BORGEAUD, of the University of Geneva, well known to American readers by his *Rise of Modern Democracy in Old and New England* (1894) and his *Adoption and Amendment of Constitutions in Europe and America* (1895), has of late been occupied, at the instance of his university, with the preparation of an elaborate and scholarly history of that institution and its men, to be published in two handsome illustrated volumes. The first, entitled *L'Académie de Calvin jusqu'à la Chute de l'Ancienne République, 1559-1798* (600 pp. quarto), is in the press and is expected to be issued in January, 1900. By the kindness of M. Borgeaud we are enabled to present, from advance sheets of this volume,<sup>1</sup> certain interesting documents which he has discovered in the archives of the university, relating to the residence and teaching there of two famous British divines, afterward leaders in the Calvinistic party in England and Scotland respectively—together with the following explanations by the author:

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IN June of 1571, an exile celebrated in the history of the sixteenth-century reformation, one of the fathers of English non-conformity, commenced at the request of the ministers, in the Academy founded by Calvin twelve years before, a course of two hours a week, which was continued during several months. In a letter of Beza to Bullinger, dated September 19, 1571, at a time when the plague was prevalent in Geneva, he says:

"The pest afflicts us greatly and other maladies are also prevalent, which carry off many. Job Veyrat, professor of philosophy, has died. Portus [professor of Greek], who is more than a sexagenarian, is suffering from the fever. An Englishman, a pious and learned man, who has been of great help to us, is beginning to languish. . . . The lower college is dispersed, I alone keep up, so far as my strength permits, what remains of the public lecturing."<sup>2</sup>

The "pious and learned Englishman" was Thomas Cartwright. The fact of his service in the Academy has heretofore escaped the

<sup>1</sup> Pp. 107-119.

<sup>2</sup> MS., Bibliothèque Publique de Genève.

biographers of the deposed Cambridge professor. But it is sufficiently assured by the records of both the Council of State and the Company of Pastors. In consulting these, however, it must be remembered that those who kept them were not familiar with English names, and that therefore that of Cartwright must be sought for under the romanized form of *Carturit*. With the aid of this key one will find, in the records for January, 1572, a substantial and striking proof of the Genevan origin of the ecclesiastical system of the Puritans. For it was in that very year, on his return from Geneva, that Cartwright, resuming the pen, drew up his famous *Admonition* to Parliament, one of the first manifestos launched at the Church of Elizabeth, the most effective and the most important in its consequences. The following are the records referred to :

"*Anglois ministre*. Les ministres ayant fait advertir qu'il y a icy un Anglois, excellent théologien, lequel ils ont prié de faire quelques leçons en théologie, le jeudi et le vendredi, ce qu'il leur a promis faire gratuitement, s'il est trouvé bon par Messieurs, arresté qu'on l'approuve." (Register of the Council, June 28, 1571.)

1572. "Le vendredy 18 [de Janvier], tous les Frères estans ensemble, lettres d'Angleterre escrites par M. Chevalier ont esté leues par lesquelles on rapelle M. Th. Carturit.

"Le Jeudi 25° [read 24] M. de Béze a proposé au Consistoire s'il trouveroit bon que M. Carturit et M. Van Til<sup>1</sup> assistassent à quelques uns de nos consistoires, ce qu'ils desiroient pour voir l'ordre qu'on y tient et y profiter et s'en servir, non seulement aux gouvernements de leurs Eglises, mais aussi pour respondre à ceux qui parlent de notre Consistoire autrement qu'il ne fault. La chose a esté trouvée bonne et a esté arresté que Messieurs seroient priés de l'approuver pour le consistoire prochain.

"Le vendredy 26° [read 25], M. Carturit a esté apellé en nostre Compagnie et a esté remercié de la peine qu'il avoit prinse pour ceste Eschole laquelle nous désirons de recognoistre à nostre pouvoir et en général et en particulier, recommandant ceste Eglise à ses prières, comme aussi à celles des frères d'Angleterre, vers lesquels il alloit, lesquels comme on a veu icy volontiers et aimez, quand ils y estoient aultrefois retirez, aussi désirons nous ceste sainte amitié estre bien entretenue et que de nostre part nous serons tousjours très joyeux de leur faire service.

"M. Carturit de sa part a remercié fort expressément les frères de l'honneur qu'il avoit receu particulièrement d'eux, outre l'humanité et bon accueil qu'il avoit receu généralement en ceste cité, et s'est offert à ceste Eglise en tout ce qu'il pourroit, à laquelle il se sent à jamais obligé.

"Les frères l'ont prié et ses compagnons Anglois qui estoient en ceste ville de souper avec eux mardy prochain au Banquet rectoral chez M. Ch. Perrot." (Register of the Company, January, 1572.)

"*Thomas Carturit*, anglois, docteur en theologie, s'estant retiré icy des quelques temps, pource qu'il estoit mal voulu en Angleterre pour avoir publiquement en des leçons soustenu la discipline ecclesiastique comme elle est icy pratiquée, a comparu et a remercié Messieurs de

<sup>1</sup> Thomas Van Til was at this time pastor of the Flemish community at Geneva.



l'honneur qu'ilz luy ont fait de l'avoir retenu en ceste ville, où il a encores été honoré de la charge de lire en theologie avec mons<sup>r</sup> de Bèze à son tour, où, par le raport de la Compagnie des ministres, tesmoigné par ledit M. de Bèze qui a porté la parole pour luy qui ne parle pas bon françois, il s'est porté fidellement et doctement. Et, veu qu'il est rapelé pour retourner en Angleterre, il n'a pas voulu partir sans remercier Messieurs et leur offrir service, supliant au reste luy donner permission d'assister une fois au consistoire affin de voir l'ordre qu'on y tient, pour en faire le raport par delà. Sur quoy a esté arresté de le remercier de l'honneur qu'il a fait à ceste eschole et luy offrir recompense de sa lecture, luy accordant au reste la requeste qu'il a fait et semblablement aussi au sieur Van Til qui en a fait une de mesme, veu que ce qu'ils en font tend à bonne fin et qu'il ne procède pas de curiosité." (Register of the Council, January 29, 1572.)

"Le jeudy dernier [31 Janvier], M. Carturit assista en consistoire." (Register of the Company, January 1572.)

Another great name of the Protestant Reformation, that of Andrew Melville, has undergone in the same original documents a similar metamorphosis, which has until now baffled such attempts as have been made to find in the state records of Geneva some trace of the future organizer of the Presbyterian Church of Scotland. He signed himself, at that time, in Latin: *Melvinus*. He was called in countries where the French language was used: *Melvin*. Having studied at St. Andrews and at Paris, he then taught for three years at the college of Saint-Marceau, at Poitiers, and left that city in 1569 when Coligny raised the siege. His destination was Geneva. In the autobiography of James Melville, the nephew of the Scotch reformer, one finds the following account, which the author wrote out from the personal recollections of his uncle:<sup>1</sup>

"The seage of the town being rasit, he left Poiteors, and accompanied with a Frenche man, he tuk journey to Genev, leaving buikis and all ther, and caried na thing with him bot a litle Hebrew Byble in his belt. So he cam to Genev all upon his fut, as he haid done befor from Deipe to Paris, and from that to Poiteors; for he was small and light of body, but full of sprites, vigourus and cowragius. His companions of the way, when they cam to the ine,<sup>2</sup> wald ly down lyk tyred tyks,<sup>3</sup> bot he wald out and sight<sup>4</sup> the townes and vilages withersoever they cam. The ports of Genev wer tentilie keipit, because of the troubles of France, and multitud of strangers that cam. Being thairfor inquiryt what they war, the Franche man his companion answerit, "We are pure<sup>5</sup> scollars." Bot Mr Andro, perceaving that they haid na will of pure folks, being al-readie owerlaid thairwith, said, "No, no, we are nocht pur. We haiff

<sup>1</sup> *The Autobiography and Diary of Mr. James Melville, Minister of Kilbrenny, in Fife, and Professor of Theology in the University of St. Andrews*, edited, for the Wodrow Society, by Robert Pitcairn, Edinburgh, 1842, pp. 41 et seqq.

<sup>2</sup> Inn.

<sup>3</sup> Dogs, hounds.

<sup>4</sup> Inspect, examine.

<sup>5</sup> Poor.

alstmikle as will pey for all we tak, sa lang as we tarie. We haiff letters from his acquaintance to Monsieur di Beza ; let us deliver those, we crave na fordar." And sa, being convoyit to Beza, and then to thair ludging, Beza, perceaving him a schollar, and they haiffing neid of a Professour of Humanitie in the Collage, put him within a twa or thrie days to tryell in Virgill and Homer ; quhilk he could acquait so weill, that but farder<sup>1</sup> he is placed in that room of profession ; and at his first entrie, a quarter's fie peyit him in hand."

The title of professor of humanity, employed above, led Melville's biographer, Dr. Thomas McCrie, to suppose that Melville had been a professor in the Academy (*Schola Publica*) of Geneva.<sup>2</sup> The records of the Council show that he was, in reality, regent of the second class at the College (*Schola Privata*), and that he filled the position during five years. He was nominated to the College on November 10, 1569, together with Hugues Roy, "pour servir en la cinquième, le dit Roy, et pour la seconde le dit Melvin, gens bien propres à telle charge. Iceux ont été aprouvés et ont fait le serment." (Register of the Council *ad diem*.) Not contented with fulfilling the duties imposed upon him by his position, he took advantage of this opportunity to continue his studies, and, by the special favor of the scholastic authorities, he was able to follow not only the theological courses of Beza, but also the Greek and Hebrew courses given by the public lecturers, thus associating himself with Franciscus Portus and Bertramus. Scrimger, late professor of philosophy, was connected with him by marriage. At Paris he had been the pupil of the royal lecturers, Jean Mercier, Turnebus, Ramus, and as such had liberty of speech concerning advanced instruction in the ancient languages. His nephew tells us that he would readily quarrel with Portus over his method of pronouncing by accents, after the Greek manner, maintaining with the obstinacy of a follower of Ramus that Portus was in the wrong. The Cretan would cry out, losing all patience : "Is it you then, Scots, barbarians, who shall teach us to pronounce our own tongue?"

"In Genev he abead fyve years ; during the quhilk tyme his cheiff studie was Divinitie, wheranent he hard Beza his daylie lessons and preatchings ; Cornelius Bonaventura, Professour of the Hebrew, Caldaik and Syriac langages ; Portus, a Greik born, Professour of the Greik toung, with whom he wald reassone about the right pronuntiation thair of ; for the Greik pronuncit it efter the comoun form, keiping the accents ; the quhilk Mr Andro controllit be precepts and reasone, till the Greik wald grow angrie, and cry out : 'Vos Scoti, vos barbari ! docebitis nos Graecos pronunciationem linguae nostrae, scilicet ?' " (*Autobiography*, p. 42.)

<sup>1</sup> Without further ado or examination.

<sup>2</sup> *Life of Andrew Melville*, second ed., p. 32.



When Ramus, who lectured at Geneva during the spring of 1570, was about to return to France, he paused at Lausanne, and gave a month's course, in which he had the opportunity, denied him in Beza's school, to expound without restraint his famous dialectic. Among the disciples who had followed him to Lausanne, in July, should be mentioned Andrew Melville and his fellow-countryman Gilbert Moncrieff, who became physician to James VI. In September the two Scots returned to Geneva. We read in the records of the Council of Lausanne: "Le 5 septembre 1570 André Melvin et Gilbert Mengrifz, escolliers escossois, prennent congé."<sup>1</sup> Moncrieff wrote his name in the rector's book of the Genevan academy, at the commencement of 1567: "Gilbertus Moncreif Scotus."

Melville left Geneva, to return to Scotland, in the spring of 1574; his place as regent of the second class was taken by Emilius Portus, son of the professor of Greek.

1 avril 1574. "*André Melvin. Emile Portus.* Mons' de Bèze a proposé que ledit Melvin, desirant se retirer en son pays, leur a demandé congé, et qu'en son lieu ils ont esleu ledit Portus, fils de M. Portus, pour faire la charge de la seconde classe. Attendu quoi il a esté receu et a presté le serment."

5 avril. "*André Melvin* s'est presenté icy priant Mess<sup>rs</sup> avoir à gré le service qu'il a fait à la Seigneurie estant regent à l'escole. Arresté qu'on lui reponde qu'on se contente de son service, luy donnant gracieux congé." (Register of the Council, *ad annum.*)

When Melville left Geneva, in company with Alexander Campbell, Bishop of Brechin, and his tutor, Andrew Polwart, in April 1574, he carried as testimonial a letter to the churches of Scotland, written by Beza in his capacity of Moderator of the Company of Pastors and Professors, and to which Jean Pinaud, Rector of the School, added a few lines. A duplicate of this document, which is mentioned in James Melville's *Diary*, still exists among the ecclesiastical correspondence deposited in the Bibliothèque Publique of Geneva. It read as follows:

*Testimonium quod datum est Andreae Melvino in patriam suam Scotiam redeunti.*

"Gratiam et pacem a Domino."

"Quam studiose nobis veterem illam conjunctionem retinendam arbitremur, fratres ac symmistae plurimum observandi, vel ex eo existimate quod *Andreae Melvino* ad suos, id est ad vos, redeundi potestatem fecerimus. Erat enim ille totus optimo jure noster et quandiu apud nos vixit (vixit autem quinquennium) ea pietate fide ac diligentia munus in privata hujus civitatis schola sibi commissum administravit ut quo nobis utilior fuit presentis opera eo majorem ex ipsius profectione jacturam

<sup>1</sup> Communication from M. le professeur Bernus.



fecisse videamur. Sed nos ipsos nobis potius negligendos putavimus quam ut vestri rationem non satis habuisse videamur. Absit enim ut quod vobis confertur nobis perisse existimemur et a nostris commodis vestra sejungamus. Nam certe vos haec Ecclesia non modo pro fratribus agnoscit verum etiam quasi mater filios amplectitur, memor videlicet magnorum illorum virorum, D. *Cnaxi* et D. *Gudmani*, quos sibi merito carissimos tantisper fovit in sinu, dum ad vos redirent magnum illud opus Domini feliciter, ut exitus ostendit, extructuri. Ad haec etiam accedit commune confessionis Helveticae Vinculum, ut nisi vos perinde ac nos ipsos omnia pene divina et humana jura violasse existimari possimus. Itaque fratres sanctam istam inter nos, usque adeo felicibus auspiciis, coeptam conjunctionem omni officiorum genere foveamus, et quorum corpora tantis terrarum ac maris spatiis dirimuntur eorum animos ille Domini nostri Jesu Christi spiritus idem in ipso sentientes, docentes, agentes, magis ac magis devinciat. Nos quidem, favente Dei misericordia, nullum in nobis fraternum officium desiderari patiemur, nec vos alio vicissim in nos animo futuros plane confidimus.

“Caeterum, quod ad res nostras attinet, quam clementer nobiscum Dominus totis 7 annis egerit, quum nos flagello pestis erudiret, quam benigne inflictas nobis plagas pene jam persanarit, quam admirabiliter idem ille rursum apud nos hospitium miseris exulibus ac naufragis fratribus aperuerit, caeteraque ejusmodi plenissime ex iis nostris fratribus cognoscetis. Ex D. *Cnaxi* morte maximum Sicuti par est dolorem cepimus; est enim certe bonorum mors semper nobis immatura in tanta illorum penuria. Illud tamen justissimum nostrum mœrorem multum lenit quod Ecclesias optime institutas atque etiam, ut audimus, multo quam unquam antea pacatiores vobis et pietate et doctrina instructissimis, reliquit. Sic futurum omnino speramus, Dei optimi maximi benignitate freti, ut quamvis strenuus ille *ἐργάτης* ac etiam *ἐργαστήριος* jam quiescat labore suo feliciter defunctus, tamenque neque summus ille et unicus vere *ἀρχιτέκτων* opus suum deseruerit, neque vos illi praecipienti et hortanti defuturi sitis, quod isti adeo feliciter repugnantibus tam multis hostibus coeptum ac promotum est quam felicissime perficiatur. Ita faxit Dominus Deus noster, fratres ac symmistae plurimum observandi, quem totis animis precamur ut suorum misertus Satanae rabiem compescat Vestrisque sanctis laboribus benedicat. Bene valete et nos vicissim pergite complecti.

“Genevae, XII Aprilis 1574.

“THEODORUS BEZA vester  
conservus, suo totiusque Collegii  
nomine.”

“Quamvis nostro omnium nomine deservandissimus noster frater D. *Theodorus Beza* nostram benevolentiam et cum vestris Ecclesiis conjunctionem tam vere et tam sincere testatus sit ut nihil addi debeat, tamen veluti *ἐκ παλαιότητας* usus est hoc addere, nihil gratius nobis posse accidere quam vestras Ecclesias in dies confirmari audiamus et mutuam nostram amicitiam, quam et vos non minus cupere arbitramur, augescere.

“Superius D. *Andreae Melvino* testimonium verissimum esse confirmamus, prolixiori commendatione usuri, nisi fore speraremus ut viri modestia, eruditio et pietas illum abunde satis commendarent, ac vestris Ecclesiis quod imprimis optandus plurimum commendarent. Valete observandissimi fratres et in Domino colendissimi.

“Genevae, XII Apr. 1574.

“JO. PINALDUS, pastor in Ecclesia genevensi  
et Scholae Rector.”

A few days before the above testimonial was delivered to him in the name of the Church and School, Andrew Melville had taken his leave of the Council of State. The fact is recorded in the following entry :

"André Melvin s'est présenté icy, priant Messieurs avoir à gré le service qu'il a faict à la Seigneurie, estant régent à l'escole. Arresté qu'on luy réponde qu'on se contente de son service, luy donnant gracieux congé." (Register of the Council, April 5, 1574.)

Melville's garden in the college precincts was inherited by a refugee of St. Bartholomew, who had become Professor of Arts in the Academy, and whom he had also the rare opportunity of hearing in the only courses of public lectures which the celebrated scholar ever gave in his long life. This was Joseph Scaliger. Under the date of March 16, 1574, the Secretary of the Council entered :

"*Joseph Scaliger.* Estant proposé qu'il désireroit avoir ung jardin, arresté qu'on luy baille celui de M<sup>r</sup> Melvin, qui s'en va en France, comment on dit."

According to James Melville, his uncle left for Lyons, Orleans and Paris. He sailed from Dieppe for England. From London he took his journey by Berwick to Edinburgh, where he arrived in the beginning of July.

2. *Journal of Philip Fithian, kept at Nomini Hall, Virginia, 1773-1774.*

THE following pages contain selections from the journal kept by Philip Vickers Fithian, while tutor in the family of Councillor Carter of Nomini Hall, Westmoreland County, Virginia. Philip Fithian was born in Greenwich, New Jersey, December 29, 1747. After three years of schooling under the Rev. Enoch Green of Deerfield, N. J., he entered Princeton College, November 30, 1770, being admitted to the Junior Class, and graduating in September, 1772, in the same class with Aaron Burr. The year following was spent in the study of theology, under his old friend and teacher Dr. Green of Deerfield, his ambition being admittance to the Presbyterian clergy. It was in the fall of 1773 that he received a letter from Dr. Witherspoon, offering him a situation in the family of Robert Carter of Virginia, stating that he had recommended him to his old friend as a tutor, and advising him to accept, if only temporarily. Though warned against the danger he incurred, both moral and physical, by venturing into such a sea of temptation, as many prejudiced people then regarded the South, he decided to accept; and thus it was he came to Nomini Hall. It is pleasing to note how agreeable was



the surprise when instead of the anticipated revelry and vice, he found only culture and refinement; an elegance of living and a courtliness of manner, perhaps equalled by few in the colonies. Robert Carter, called the Councillor, was a grandson of the famous "King" Carter of Corotoman, noted for his immense wealth and boundless possessions. The Councillor was a man of great culture and refinement, with a taste for retirement and study. He loved rather a quiet life with his family upon his estate at Nomini Hall, than the gayeties of the governor's court at Williamsburg. He was a member of the King's council which sat at Williamsburg; it was probably this position, which he held at the time of the war, that led him to discountenance all dissensions with that King, whom he in a sense represented, and caused him to take no part in the struggle for independence. Toward the close of his life he became in reality a recluse, seldom leaving his place, or visiting his neighbors, so that little is known of his last years, save that they were devoted to religion, the form of which he changed many times.

Of Nomini Hall and its surrounding buildings nothing now remains, it having been destroyed by fire in 1850. The beautiful avenue of grand old poplars is still the pride of the place and survives all the many changes of time. The ruins of the mill and dam are still to be seen, though the upper channel is filled with mud and is long since closed to navigation.

Philip Fithian, after leaving Councillor Carter's, entered the ministry,<sup>1</sup> and soon after the outbreak of hostilities enlisted as chaplain in a New Jersey regiment, and served during the campaign on Long Island and New York. He was taken sick and died at Fort Washington, of a camp epidemic, just before the capture of that place by the British.<sup>2</sup> In conclusion the editor of these pages wishes to say that it is through the courtesy and kindness of the present owner of these manuscripts, a member of the Fithian family, that he has been enabled to place them before the public, for which he is most sincerely thankful.<sup>3</sup>

JOHN ROGERS WILLIAMS.

<sup>1</sup> He is said to have been a member of the "New Jersey Tea Party," at Greenwich, December 22, 1774. See *New Jersey Archives*, X. 532.

<sup>2</sup> Heitman, *Historical Register*, s. v., says that he was "killed on the retreat from New York, September 15, 1776," which was the day of the action at Kip's Bay.

<sup>3</sup> The journal now preserved is not, in this portion, the original manuscript, but a copy made by the writer's nephew, Rev. Enoch Fithian, apparently about 1820. The footnotes appended to the printed text are partly by Mr. J. R. Williams, of Princeton University, partly by the editor. The dates have been expanded in form, and have been given a different place from that which they occupy in the manuscript; otherwise the latter has been literally followed.—ED.



1773. *Saturday, October 23.*<sup>1</sup> Expence at Baltimore 15/3. Rode and forded Petapsko to a small Tavern 15 Miles. Expence 1/11. Rode thence to Blandensburg [Bladensburg] 23 Miles. Whole Distance 38 Miles. Whole Expence 17/2.

*Sunday, October 24.* Expence at Blandensburg 5/7. Rode thence to George-town 8 Miles. Expence 1/6. Ferriage /6. From thence we rode by *Alexandria*, 9 Miles. Thence to Colchester 18 Miles. Dined. Expence 3/9. Ferriage /6. Rode thence to Dumfries 10 Miles. Whole distance 45 Miles. Whole Expence 11/4.

*Monday, October 25.* Expence at Dumfries 4/5. Rode thence to Aquia 10 Miles. Expence 2/4. Rode thence to Stafford-Court-House 12 Miles. Whole Distance 22 Miles. Whole Expence 6/6.

*Tuesday, October 26.* Expence at Stafford 5/. Stopped at Colonel Thomas Lee's,<sup>2</sup> only a few Rods from Stafford Tavern. Continued there all day, and the following Night. Expence to Day 5/.

*Wednesday, October 27.* Expence to boy 1/. Rode from Mr. Lees to a small poor Ordinary 13 Miles. Expence /8 for Oats. Rode thence, without feeding to Captain Cheltons, on the Potowmack 32 Miles. Whole Distance 45 Miles. Whole Expence 1/8.

*Thursday, October 28.* Rode after Breakfast to the Honorable Robert Carters the End of my Journey; 12 Miles, by two o-Clock in the Afternoon. Both Myself, and my Horse seem neither Tired nor Dispirited. Occasional Expences on the Road. In Baltimore for some Buff Ball 1/6. In Blandensburg for having straps put to my Saddle-Bags 3/. In Colchester for Shaving and Dressing 1/3. The whole 5/9. So that my whole Distance appears to be 260 Miles, performed in seven days. And my whole expence appears to be £ S D

3 . . 6 . . 6.

*Friday, October 29.* Settled myself in the Room appointed me, and adjusted my affairs after my Ride.

*Saturday, October 30.* Rode with Mr. Carters eldest Son to a Store, about seven Miles. Bought half a Box of Wafers for 1/. And a quire of paper for 1/6. Dined at three. And rode into Richmond Parish 15 Miles to Mr. Fantleroy's. Was introduced to Mr. Fantleroy, two of his Sons, Mr. Christian a dancing-Master.

*Sunday, October 31.* Rode to Church six Miles. Heard Mr. Gibbern<sup>3</sup> preach on Felixes trembling at Pauls Sermon.

*Monday, November 1.* We began School. The School consists of eight. Two of Mr. Carters Sons, One Nephew, And five Daughters. The eldest Son is reading Salust: Gramatical Exercises, and latin

<sup>1</sup> Fithian had left his home, in southern New Jersey, on October 19.

<sup>2</sup> This Col. Thomas (Ludwell) Lee was the second surviving son of President Thomas Lee and was a brother of Philip Ludwell and Richard Henry. He was prominent in the political movements of the times.

<sup>3</sup> Rev. Isaac William Giberne, rector of Lunenburg Parish from 1762, for perhaps twenty years. He was an Englishman (said to have been a nephew of the Bishop of Durham), a man of much wit and talent, and noted for his convivial habits.

Grammer. The second Son is reading english Grammar Reading English: Writing, and Cyphering in Subtraction. The Nephew is Reading and Writing as above; and Cyphering in Reduction. The eldest daughter is Reading the Spectator; Writing; and beginning to Cypher. The second is reading next out of the Spelling-Book, and beginning to write. The next is reading in the Spelling-Book. The fourth is Spelling in the beginning of the Spelling-Book. And the last is beginning her letters.

*Sunday, November 7.* Rode to Ucomico Church,<sup>1</sup> 8 Miles. Heard Parson Smith. He shewed to us the uncertainty of Riches, and their Insufficiency to make us happy. Dined at Captain Walkers; With Parson Smith; his Wife; her Sister, a young lady; &c. Returned in the Evening.

*Friday, November 12.* Ben begun his Greek Grammer. Three in the afternoon Mr. Carter returned from *Williamsburg*. He seems to be agreeable, discreet, and sensible. He informed me more particularly concerning his desire as to the Instruction of his Children.

*Saturday, November 20.* Rode to Mr. Fishers dined with Mr. Cunningham at 3 o-Clock. Rode in the evening to Mr. Lancelot Lees,<sup>2</sup> a young Gentleman, who has lately come from England; sup'd on Oysters. Rode home about nine o-Clock he along.

*Thursday, November 25.* Rode this morning to Richmond Courthouse, where two Horses run for a purse of 500 Pounds: besides small Betts almost enumerable. One of the Horses belonged to Colonel John Tayloe,<sup>3</sup> and is called *Yorick*. The other to Dr. Flood, and is called *Gift*. The Assembly was remarkably numerous; beyond my expectation and exceeding polite in general. The Horses started precisely at five minutes after three; the Course was one Mile in Circumference, they performed the first Round in two minutes, third in two minutes and a half. *Yorick* came out the fifth time round about 40 Rod before *Gift* they were both, when the Riders dismounted very lame; they run five Miles, and Carried 180 lb. Rode home in the Evening. Expence to the Boy 7½.

*Saturday, November 27.* Robin and Nancy yet at Dancing-School. Mr. Harry Fantleroy called after dinner to see us. In the Evening Ben and I rode with him to his fathers; I was introduced to one Mr. Walker a Scotch Gentleman, lately a School-master but has quit, and is going in the Spring for the Gown to England.

*Sunday, November 28.* Rode to Church—the Parson was absent; it

<sup>1</sup> This interesting old church still stands, having survived the changes and vicissitudes of two centuries. It is one of the oldest homes of the Church of England in Virginia, having been built in 1706; it is now in good repair and is still regularly used as a place of worship by those of the Episcopal faith. It is said that the original silver communion service was given by Queen Anne. For a full account of Yeocomico Church see Bishop Meade's *Old Churches of Virginia*, II. 148-157. The minister of Cople Parish at this time was Rev. Thomas Smith.

<sup>2</sup> Son of George Lee of Mt. Pleasant in Westmoreland County. See the latter's will in *Lee of Virginia*, 141-144.

<sup>3</sup> Of Mt. Airy in Richmond County, a member of the Council.



is indeed a little cold ! The Clerk read prayers for us. We rode home. Found at Home two young Ladies, Miss Corbin and Miss Turburville and Mr. George Lee,<sup>1</sup> brother to the Gentleman here last Sunday, and has lately returned from England. I was introduced by Mr. Carter to the two latter.

*Sunday, December 12.* Rode to Nominy-Church, parson Smith preached 15 minutes. Advertisement at the Church door dated Sunday Decem<sup>r</sup> 12th. Pork to be sold to-morrow at 20/. per Hundred. dined with us to day Captain Walker, Colonel Rich<sup>d</sup> Lee,<sup>2</sup> and Mr. Lancelot Lee. Sat after dinner till Sunset, drank three Bottles of Medaira, two Bowls of Toddy !

*Monday, December 13.* Mr. Carter is preparing for a Voyage in his Schooner, the *Hariot*, to the Eastern Shore in Maryland, for Oysters ; there are of the party, Mr. Carter, Captain *Walker* Colonel *Rich<sup>d</sup> Lee* and Mr. *Lancelot Lee*. With Sailors to work the vessel. I observe it is a general custom on Sundays here, with Gentlemen to invite one another home to dine, after Church ; and to consult about, determine their common business, either before or after Service. It is not the custom for Gentlemen to go into Church til Service is beginning, when they enter in a Body, in the same manner as they come out ; I have known the Clerk to come out and call them in to prayers. They stay also after the Service is over, usually as long, sometimes longer, than the Parson was preaching. Almost every Lady wears a red Cloak ; and when they ride out they tye a red handkerchief over their Head and face, so that when I first came into Virginia, I was distressed whenever I saw a Lady, for I thought she had the Tooth-Ach ! The People are extremely hospitable, and very polite both of which are most certainly universal Characteristics of the Gentlemen in Virginia. some swear bitterly, but the practise seems to be generally disapproved. I have heard that this Country is notorious for Gaming, however this be, I have not seen a Pack of *Cards*, nor a *Die*, since I left home, nor gaming nor Betting of any kind except at the Richmond-Race. Almost every Gentleman of Condition, keeps a Chariot and *Four* ; many drive with six Horses. I observe that all the Merchants and shopkeepers in the Sphere of my acquaintance and I am told it is the Case through the Province, are young Scotch-Men ; several of whom I know, as *Cunningham*, *Jennings*, *Hamilton*, *Blain* ; and it has been the custom heretofore to have all their Tutors, and Schoolmasters from Scotland, tho' they begin to be willing to employ their own Countrymen. Evening Ben Carter<sup>3</sup> and myself had a long dispute on the practice of fighting. He thinks it best for two persons who have any dispute to go out in good-humour and fight manfully, and says they will be sooner and longer friends than to brood and harbour malice. Mr. Carter is practising this evening on the *Guittar* He begins with the *Trumpet Minuet*. He

<sup>1</sup> George Fairfax Lee, of Mt. Pleasant. A letter of his, written from Christ's College, Cambridge, in November, 1772, is in *Lee of Virginia*, p. 302.

<sup>2</sup> Richard Henry Lee, the famous orator and statesman.

<sup>3</sup> The eldest son of Councillor Carter.



has a good Ear for Music : a vastly delicate Taste : and keeps good Instruments, he has here at Home a *Harpsichord, Forte-Piano, Harmonica, Guittar, Violin*, and *German Flutes*, and at Williamsburg, has a good *Organ*, he himself also is indefatigable in the Practice.

*Tuesday, December 14.* Busy in School. The Weather vastly fine ! There has been no Rain of consequence,\* nor any stormy or disagreeable Weather, since about the 10th of last Month ! From the Window, by which I write, I have a broad, a diversified, and an exceedingly beautiful Prospect of the high craggy Banks of the River *Nominy* ! Some of those huge Hills are covered thick with *Cedar*, and Pine Shrubs ; a vast quantity of which seems to be in almost every part of this Province. Others are naked, and when the Sun Shines look beautiful ! At the Distance of about 5 Miles is the River Potowmack over which I can see the smoky Woods of Maryland ; at this window I often stand, and cast my Eyes homeward with peculiar pleasure ! Between my window and the potowmack, is Nominy Church, it stands close on the Bank of the River Nominy, in a pleasant agreeable place. Mr. Carters family go down often, so many as can with convenience in a Boat rowed by four Men, and generally arrive as soon as those who ride.

The mouth of Nominy River where it falls into Potowmack is about 25 miles above the mouth of Potowmack or where it falls into the Chesapeake-Bay. And about 12 Miles below the mouth of Nominy the River Ucomico puts up into the country, near which River, and about three miles from the mouth stands the lower parish Church of Westmorland-County call'd Ucomico Church. The River Potowmack opposite to us the People say is 10 miles over, but I think it is not more than 8. Afternoon Captain *Grigg*, who arrived last Sunday morning into the River Ucomico from *London* visited Mr. Carter. Evening reading Pictete.<sup>1</sup>

*Wednesday, December 15.* Busy in School. To day Dined with us Mrs. Turburville, and her daughter Miss Letty Miss Jenny Corbin,<sup>2</sup> and Mr. Blain. We dined at three. The manner here is different from our way of living in Cohansie. In the morning so soon as it is light a Boy knocks at my Door to make a fire ; after the Fire is kindled, I rise which now in the winter is commonly by Seven, or a little after. By the time I am drest the Children commonly enter the School-Room, which is under the Room I sleep in ; I hear them round one lesson, when the Bell rings for eight o-Clock (for Mr. Carter has a large good Bell of upwards of 60 Lb. which may be heard some miles, and this is always rung at meal Times ;) the Children then go out ; and at half after eight the Bell rings for Breakfast, we then repair to the Dining-Room ; after Breakfast, which is generally about half after nine, we go into School,

<sup>1</sup> Benedict Pictet, *Theologia Christiana*, 1696.

<sup>2</sup> Mrs. John Turberville of Hickory Hill, Westmoreland County ; her daughter Lettice Corbin Turberville, at this time a child, afterward the mother of Major-General Roger Jones, U. S. A., and of Commodore Thomas ap Catesby Jones ; and her sister Jane Corbin.

and sit til twelve, when the Bell rings, and they go out for noon; the dinner-Bell rings commonly about half after two, often at three, but never before two. After dinner is over, which in common, when we have no Company, is about half after three we go into School, and sit til the Bell rings at five, when they separate til the next morning; I have to myself in the Evening, a neat Chamber, a large Fire, Books, and Candle and my Liberty, either to continue in the School room, in my own Room, or to sit over at the great House with Mr. and Mrs. Carter. We go into Supper commonly about half after eight or at nine and I usually go to Bed between ten and Eleven. Altho the family in which I live, is certainly under as good political Regulations, and every way as suitable and agreeable as I can expect, or even could desire; and though the Neighbourhood is polite, and the Country pleasant, yet I cannot help reflecting on my situation last winter, which was near the lovely *Laura*<sup>1</sup> for whom I cannot but have the truest, and the warmest Esteem! Possibly, If Heaven shall preserve my life, in some future time, I may again enjoy her good society.

Mr. Carter heard this Evening that Captain *Walker* cannot go to Maryland, he is thus stop'd.

*Thursday, December 16.* I had the pleasure of walking to day at twelve o-Clock with Mrs. Carter; She shewed me her stock of *Fowls* and *Mutton* for the winter; She observed, with great truth, that to live in the Country, and take no pleasure at all in Groves, Fields, or Meadows; nor in Cattle, Horses, and domestic Poultry, would be a manner of life too tedious to endure; Dined at three.

*Saturday, December 18.* After Breakfast, we all retired into the Dancing Room, and after the Scholars had their Lesson singly round Mr. Christian, very politely, requested me to step a *Minuet*; I excused myself, however, but signified my peculiar pleasure in the accuracy of their performance. There were several Minuets danced with great ease and propriety; after which the whole company joined in country-dances, and it was indeed beautiful to admiration, to see such a number of young persons, set off by dress to the best advantage, moving easily, to the sound of well performed Music, and with perfect regularity, tho' apparently in the utmost Disorder. The Dance continued til two, we dined at half after three. soon after Dinner we repaired to the Dancing-Room again; I observe in the course of the lessons, that Mr. Christian is punctual, and rigid in his discipline, so strict indeed that he struck two of the young Misses for a fault in the course of their performance, even in the presence of the Mother of one of them! And he rebuked one of the young Fellows so highly as to tell him he must alter his manner, which he had observed through the Course of the Dance, to be insolent, and wanton, or absent himself from the School. I thought this a sharp reproof to a young Gentleman of seventeen, before a large number of Ladies! When it grew too dark to dance, the young Gentlemen walked

<sup>1</sup>A reference to Miss Elizabeth Beatty of New Jersey, who married Philip Fithian in 1775, and to whom he always refers as the "Lovely Laura."



over to my Room, we conversed til half after six ; Nothing is now to be heard of in conversation, but the *Balls*, the *Fox-hunts*, the fine *entertainments*, and the *good fellowship*, which are to be exhibited at the approaching *Christmas*. I almost think myself happy that my Horses lameness will be a sufficient Excuse for my keeping at home on these Holidays. Mr Goodlet was barred out of his School last Monday by his Scholars, for Christmas Holidays, which are to continue til twelfth-day ; But my Scholars are of a more quiet nature, and have consented to have four or five Days now, and to have their full Holiday in May next, when I propose by the permission of Providence to go Home, where I hope to see the good and benevolent *Laura*.

When the candles were lighted, we all repaired, for the last time, into the dancing-Room ; first each couple danced a Minuet ; then all joined as before in the country Dances, these continued till half after Seven when Mr. Christian retired ; and at the proposal of several, (with Mr. Carters approbation) we played *Button*, to get Pauns for Redemption ; here I could join with them, and indeed it was carried on with sprightliness, and Decency ; in the course of redeeming my Pauns I had several Kisses of the Ladies ! Early in the Evening came colonel Philip Lee,<sup>1</sup> in a travelling Chariot from Williamsburg. Half after eight we were rung in to Supper ; The room looked luminous and splendid ; four very large candles burning on the table where we supped ; three others in different parts of the Room ; a gay, sociable Assembly, and four well instructed waiters ! So soon as we rose from supper, the Company formed into a semicircle round the fire, and Mr. Lee, by the voice of the Company was chosen *Pope*, and Mr. Carter, Mr. Christian, Mrs. Carter, Mrs. Lee, and the rest of the company were appointed Friars, in the Play call'd "break the Popes neck." Here we had great Diversion in the respective Judgments upon offenders, but we were all dismissed by ten, and retired to our several Rooms.

*Thursday, December 23.* This Evening, after I had dismissed the Children, and was sitting in the School-Room cracking Nuts, none present but Mr. Carters Clerk, a civil, inoffensive, agreeable young Man, who acts both in the character of a Clerk and Steward, when the Woman who makes my Bed, asked me for the key of my Room, and on seeing the young Man sitting with me, she told him that her Mistress had this afternoon given orders that their Allowance of Meat should be given out to them to-morrow. She left us ; I then asked the young man what their allowance is ? He told me that excepting some favorites about the table, their weekly allowance is a peck of Corn, and a pound of Meat a Head ! And Mr. Carter is allowed by all, and from what I have already seen of others, I make no Doubt at all but he is, by far the most humane to his Slaves of any in these parts ! Good God ! are these Christians ? When

<sup>1</sup> Philip Ludwell Lee (1727-1775) eldest son of President Lee, was a fellow-member with Robert Carter in the governor's council and took an active part in the commencement of the struggle for independence. He resided at Stratford and maintained the generous hospitality of his father.



I am on the Subject, I will relate further, what I heard Mr. George Lees Overseer, one Morgan, say the other day that he himself had often done to Negroes, and found it useful ; He said that whipping of any kind does them no good, for they will laugh at your greatest Severity ; But he told us he had invented two things, and by several experiments had proved their success. For Sullenness, Obstinacy, or Idleness, says he, Take a Negroe, strip him, tie him fast to a post ; take then a sharp Curry-Comb, and curry him severely til he is well scraped ; and call a Boy with some dry Hay, and make the Boy rub him down for several Minutes, then salt him, and unlose him. He will attend to his Business (said the inhuman Infidel) afterwards ! But savage Cruelty does not exceed His next diabolical Invention. To get a Secret from a Negro, says he, take the following Method—Lay upon your Floor a large thick plank, having a peg about eighteen Inches long, of hard wood, and very Sharp, on the upper end, fixed fast in the plank—then strip the Negro, tie the Cord to a staple in the Ceiling, so as that his foot may just rest on the sharpened Peg, then turn him briskly round, and you would laugh (said our informer) at the Dexterity of the Negro, while he was relieving his Feet on the sharpened Peg ! I need say nothing of these seeing there is a righteous God, who will take vengeance on such Inventions !

*Saturday, December 25.* I was waked this morning by Guns fired all round the House. The morning is stormy, the wind at South East rains hard Nelson the Boy who makes my Fire, blacks my shoes, does errands &c. was early in my Room, drest only in his shirt and Breeches ! He made me a vast fire, blacked my Shoes, set my Room in order, and wished me a joyful Christmas, for which I gave him half a Bit. Soon after he left the Room, and before I was Drest, the Fellow who makes the Fire in our School Room, drest very neatly in green, but almost drunk, entered my chamber with three or four profound Bows, and made me the same salutation ; I gave him a *Bit*, and dismissed him as soon as possible. Soon after my Cloths and Linen were sent in with a message for a Christmas *Box*, as they call it ; I sent the poor Slave a Bit, and my thanks. I was obliged for want of small change, to put off for some days the Barber who shaves and dresses me. I gave *Tom* the Coachman, who Doctors my Horse, for his care two Bits, and am to give more when the Horse is well. I gave to *Dennis* the Boy who waits at Table half a *Bit*. So that the sum of my *Donations* to the Servants, for this Christmas appears to be five Bits, a Bit is a pisterene<sup>1</sup> bisected ; or an English sixpence, and passes here for seven pence Halfpenny. the whole is 3<sup>s</sup> 1½<sup>d</sup>.

At Breakfast, when Mr. Carter entered the Room, he gave us the compliments of the Season. He told me, very civilly, that as my Horse was lame, his own riding Horse is at my Service to ride when and where I choose.

<sup>1</sup> Pistareen, which then equalled about 19.4 of our cents ; half of it, 9.7 ; the English sixpence, 12.2 ; seven-pence-halfpenny Virginia money, 10.4.

Mrs. Carter was, as always, cheerful, chatty, and agreeable ; She told me after Breakfast several droll, merry Occurrences that happened while she was in the City Williamsburg.

This morning came from the Post-office at Hobbes-Hole, on the Rapahannock, our News-papers. Mr. Carter takes the Pennsylvania Gazette, which seems vastly agreeable to me, for it is like having something from home. But I have yet no Answer to my Letter. We dined at four o-Clock. Mr. Carter kept in his Room, because he breakfasted late, and on Oysters. There were at Table Mrs. Carter and her five Daughters that are at School with me—Miss *Priscilla*, *Nancy*, *Fanny*, *Betsy*, and *Harriot*, five as beautiful delicate, well-instructed Children as I have ever known ! *Ben* is abroad ; *Bob* and *Harry* are out ; so there was no Man at Table but myself. I must carve—Drink the Health—and talk if I can ! Our Dinner was no otherwise than common, yet as elegant a *Christmas Dinner* as I ever sat Down to. The table Discourse was Marriage ; Mrs. Carter observed that was she a Widow, she should scruple to marry any man alive ; She gave a reason, that She did not think it probable a man could love her grown old when the world is thronged with blooming, ripening Virgins ; but in fact Mrs. Carter looks and would pass for a younger Woman than some unmarried Ladies of my acquaintance, who would willingly enough make us place them below twenty ! We dined at four ; when we rose from table it was growing dark. The wind continues at South East and is stormy and muddy. While we supped Mr. Carter as he often does played on the *Forte-Piano*. He almost never sups. Last Night and to night I had large clear and very elegant Spermaceti Candles sent into my Room.

1774, *Tuesday, January 4.* The Family is most agreeable ! Mr. Carter is sensible, judicious, much given to retirement and Study ; his Company, and conversation are always profitable. His main Studies are Law and Music, the latter of which seems to be his darling Amusement. It seems to nourish as well as entertain his mind ! And to be sure he has a nice well judging Ear, and has made great advances in the Theory, and Practice of music.

Mrs. Carter is prudent, always cheerful, never without Something pleasant, a remarkable Economist, perfectly acquainted (in my Opinion) with the good-management of Children, intirely free from all foolish and unnecessary fondness, and is also well acquainted (for She has always been used) with the formality and Ceremony which we find commonly in high Life. Ben, the eldest, is a youth of genius : of a warm impetuous Disposition ; desirous of acquiring Knowledge, docile, vastly inquisitive and curious in mercantile, and mechanical Matters, is very fond of Horses and takes great pleasure in exercising them. Bob, the other Brother, is By no means destitute of capacity, As Mr. Marshal who was his last Tutor has asserted, and many now suppose : He is extremely volatile and unsettled in his temper, which makes it almost wholly impossible to fix him for any time to the same thing, On which account he has made but very little advancement in any one Branch of



Study, and this is attributed to Barrenness of Genius. He is slovenly, clumsy, very fond of Shooting, of Dogs, of Horses, but a very stiff un-toward *Rider*, good natur'd, pleased with the Society of persons much below his Family, and Estate, and tho' quick and wrathful in his temper yet he is soon moderated, and easily subdued. Harry the Nephew, is rather stoical, sullen, or saturnine in his make. He is obstinate, tho' Steady, and makes a slow uniform advance in his Learning, he is vastly kind to me, but in particular to my Horse, of his health or Indisposition.

Miss *Priscilla*, the eldest Daughter about 16, is steady, studious, docile, quick of apprehension, and makes good progress in what She undertakes; If I could with propriety continue in the Family, I should require no stronger Inducement than the Satisfaction I should receive by seeing this young Lady become perfectly acquainted with anything I propose as soon as I communicate it to her, but the situation of my affairs makes it out of my power to stay longer than a year; She is small of her age, has a mild winning Presence, a sweet obliging Temper, never swears, which is here a distinguished virtue, dances finely, plays well on key'd Instruments, and is on the whole in the first Class of the female Sex.

*Nancy*, the Second, is not without some few of those qualities which are by some (I think with great ill-nature, and with little or no truth) said to belong intirely to the fair Sex. I mean great curiosity, Eagerness for superiority, Ardor in friendship, But bitterness and rage where there is enmity. She is not constant in her disposition, nor diligent nor attentive to her business. But She has her excellencies, She is cheerful, tender in her Temper, easily managed by perswasion, and is never without what seems to have been a common Gift of Heaven to the *fair-Sex*, the "*Copia Verborum*," or readiness of Expression! She is only beginning to play the *Guitar*, She understands the Notes well, and is a graceful Dancer.

*Fanny* next,<sup>1</sup> is in her Person, according to my Judgment, the Flower in the Family. She has a strong resemblance of her *Mama* who is an elegant, beautiful Woman. Miss Fanny seems to have a remarkable Sedateness, and simplicity in her countenance, which is always rather chearful than melancholy; She has nothing with which we can find Fault in her Person, but has something in the Features of her Face which insensibly pleases us, and always when She is in Sight draws our Attention, and much the more because there seems to be for every agreeable Feature a correspondent Action which improves and adorns it.

Betsy next is young, quiet, and obedient.

Harriot is bold, fearless, noisy and lawless; always merry, almost never displeased; She seems to have a Heart easily moved by the force of Music; She has learned many Tunes and can strike any Note, or Succession of Notes perfectly with the Flute or Harpsichord, and is never wearied with the sound of Music either vocal or *Instrumental*.

These are the persons who are at present under my direction, and whose general character I have very imperfectly attempted to describe.

<sup>1</sup> Frances Carter married Major Thomas ap Thomas Jones, of the Revolutionary army.



*Tuesday, January 18.* Mrs. Carter, and the young Ladies came Home last Night from the Ball,<sup>1</sup> and brought with them Mrs. Lane, they tell us there were upwards of Seventy at the Ball; forty one Ladies; that the company was genteel; and that Colonel *Harry Lee*,<sup>2</sup> from *Dumfries*, and his Son *Harvey* who was with me at College, were also there; Mrs. Carter made this an argument, and it was a strong one indeed, that to-day I must dress and go with her to the Ball. She added also that She Desired my Company in the Evening when she should come Home as it would be late. After considering a while I consented to go, and was dressed. we set away from Mr. Carters at two; Mrs. Carter and the young Ladies in the Chariot, Mrs. Lane in a Chair, and myself on Horseback. As soon as I had handed the Ladies out, I was saluted by Parson *Smith*; I was introduced into a small Room where a number of Gentlemen were playing Cards (the first game I have seen since I left Home) to lay off my Boots Riding-Coat &c. Next I was directed into the Dining-Room to see young Mr. Lee;<sup>3</sup> He introduced me to his Father. With them I conversed til Dinner, which came in at half after four. The Ladies dined first, when some Good order was preserved; when they rose, each nimblest Fellow dined first. The Dinner was as elegant as could be well expected when so great an Assembly were to be kept for so long a time. For Drink, there was several sorts of Wine, good Lemon Punch, Toddy, Cyder, Porter, &c. About Seven the Ladies and Gentlemen begun to dance in the Ball-Room—first Minuets one Round; Second Gigs; third Reels; And last of All Country-Dances; tho' they struck several Marches occasionally. The Music was a French-Horn and two Violins. The Ladies were Dressed Gay, and splendid, and when dancing, their Silks and Brocades rustled and trailed behind them! But all did not join in the Dance for there were parties in Rooms made up, some at Cards; some drinking for Pleasure; some toasting the Sons of america; some singing "Liberty Songs" as they call'd them, in which six, eight, ten or more would put their Heads near together and roar, and for the most part as unharmonious as an affronted—. Among the first of these Vociferators was a young Scotch-Man, Mr. *Jack Cunningham*; he was nimis bibendo appotus; noisy, droll, waggish, yet civil in his way and wholly inoffensive. I was solicited to dance by several, Captain Chelton, Colonel Lee, Harry Lee, and others; But George Lee,<sup>4</sup> with great Rudeness as tho' half

<sup>1</sup> Given by Richard Lee of Lee Hall, Westmoreland County, commonly called Squire Lee, who represented that county in the General Assembly of Virginia almost continuously from 1757 to 1795.

<sup>2</sup> Lieut.-Col. Henry Lee of Leesylvania, near Dumfries, was a brother of "Squire" Lee, the host, and a first cousin of Richard Henry Lee; he was a member of the House of Burgesses and took an active part in all the exciting events of his time. Harry his son, who was graduated from Princeton College in 1773, became the celebrated cavalry leader of the Revolution, better known perhaps under the sobriquet of "Light-Horse Harry." His first wife was the "Divine Matilda," daughter of Philip Ludwell Lee. By his second wife, a Miss Carter, he had six children, of whom the best known is Gen. Robert E. Lee. Henry Lee was governor of Virginia, 1791-1794, and member of Congress.

<sup>3</sup> I. e., Henry Lee, Jr.

<sup>4</sup> Probably either George Fairfax Lee, son of George Lee of Mt. Pleasant, or George Lee, son of Col. Thomas Ludwell Lee of Bellevue.

drunk, asked me why I would come to the Ball and neither dance nor play Cards? I answered him shortly, (for his Impudence moved my resentment) that my Invitation to the Ball would Justify my Presence; and that he was ill qualified to direct my Behaviour who made so indifferent a Figure himself. Parson Smiths, and Parson Gibberns Wives danced, but I saw neither of the Clergymen either dance or game. At Eleven Mrs. Carter call'd upon me to go, I listened with gladness to the summons and with Mrs. Lane in the Chariot we rode Home, the Evening sharp and cold! I handed the Ladies out, waited on them to a warm Fire, then ran over to my own Room, which was warm and had a good Fire; oh how welcome! Better this than to be at the Ball in some corner nodding, and awaked now and then with a midnight Yell! In my Room by half after twelve; and exceeding happy that I could break away with Reputation.

*Saturday, January 29.* The Weather is as wintry here in every Respect as I have ever known it in New-Jersey. Mr. Carter has a Cart and three pairs of Oxen which every Day bring in four Loads of Wood, Sundays excepted, and yet these very severe Days we have none to spare; And indeed I do not wonder, for in the *Great House, School House, Kitchen, &c.* there are twenty Eight steady fires! and most of these are very Large! After Supper, when all had retired but Mrs. Carter, Mr. Carter and Myself, the Conversation being on serious Matters, Mr. Carter observed that he much dislikes the common method of making Burying Yards round Churches, and having them almost open to every Beast. He would have them at some small distance from the Church, neatly and strongly inclosed, and the Graves kept up decent, and plain, but would have no splendid, nor magnificent Monument, nor even stone to say "Hic jacet." He told us he proposes to make his own Coffin and use it for a chest til its proper use shall be required—That no Stone, nor Inscription be put over him—And that he would choose to be laid under a shady Tree where he might be undisturbed, and sleep in peace and obscurity. He told us, that with his own hands he planted, and is with great diligence raising a *Catalpa*-Tree at the Head of his Father who lies in his Garden.<sup>1</sup>

Mrs. Carter beg'd that She might have a Stone, with this only for a Monument, "Here lies *Ann Tasker Carter*."<sup>2</sup> with these things for my consideration I left them about ten and went to my cold Room, and was hurried soon to Bed; Not however without reflecting on the importance of our preparation for this great Change!

*Saturday, February 12.* After having dismissed the School I went over to Mr. Carters Study. We conversed on many things, and at length on the College of William and Mary at *Williamsburg*. He informed me that it is in such confusion at present, and so badly directed, that he cannot send his Children with propriety there for Improvement and useful Education. That he has known the Professors to play all Night at Cards in publick Houses in the City, and has often seen them drunken in the

<sup>1</sup> Robert Carter of Nominy Hall, son of "King" Carter, died about 1732.

<sup>2</sup> Mrs. Carter was the daughter of Hon. Benjamin Tasker, of Maryland.



Street! That the Charter of the College is vastly Extensive, and the yearly income sufficient to support a University being about 4.000£ Sterling. That the Necessary Expence for each Scholar yearly is only 15£ Currency. Two of the officers of the Institution, Mr. Bracken and Mr. Henly Clergymen are at present engaged in a paper War published weekly in the Williamsburg Gazette's.<sup>1</sup>

*Tuesday, March 1.* Afternoon Mr. Lane a young Gentleman, formerly my acquaintance at Princeton came to see me; with one Mr. Harison. He stays all night.

*Thursday, March 3.* After Breakfast Mr. Lane left us, He was drest in black superfine Broadcloth; Gold-laced hat; laced Ruffles; black Silk Stockings; and to his Broach on his Bosom he wore a Majors Badge inscrib'd "Virtute and Silentio" cut in a Golden Medal! Certainly he was fine!

*Sunday, March 6.* Breakfasted at half after nine. Mr. Lane the other Day informed me that the *Anabaptists* in Loudon County are growing very numerous; and seem to be increasing in affluence; and as he thinks quite destroying pleasure in the Country; for they encourage ardent Pray'r; strong and constant faith, and an intire Banishment of *Gaming*, Dancing, and Sabbath-Day Diversions. I have also before understood that they are numerous in many County's in this Province and are Generally accounted troublesome. Parson *Gibbern* has preached several sermons in opposition to them, in which he has labour'd to convince his people that what they say are only whimsical Fancies or at most Religion grown to Wildness and Enthusiasm! There is also in these counties one Mr. Woddel,<sup>2</sup> a presbyterian Clergyman, of an irreproachable Character, who preaches to the people under Trees in summer, and in private Houses in Winter. Him, however, the people in general dont more esteem than the Anabaptists Preachers; but the People of Fashion in general countenance, and commend him. I have never had an opportunity of seeing Mr. *Woddel*, as he is this Winter up in the Country, but Mr. and Mrs. *Carter* speak well of him, Mr. and Mrs. *Fantleroy* also, and all who I have ever heard mention his Name.

*Friday, March 18.* I have all along intended, and shall now attempt to give a short description of Nomini-Hall, and the several Buildings, and improvements adjoining it; as well for my own amusement, as also

<sup>1</sup> John Bracken was from 1773 to 1818 minister of Bruton Church, Williamsburg, was made master of the grammar school, at the college, and was president for two years after the death of Bishop James Madison in 1812. Samuel Henley was professor of divinity and moral philosophy in the college, was a Tory, and left Virginia in 1775. In England he wrote numerous pamphlets on archaeological subjects, was the translator of Beckford's *Vathek*, and from 1805 to 1815 was principal of the East India College at Hertford.

<sup>2</sup> The celebrated Dr. James Waddell, the "Blind Preacher" of Wirt's *British Spy*, was settled in Lancaster and Northumberland counties from 1762 to 1788; but during the latter part of this period it was his custom, on grounds of health, to spend a part of the year in upper Virginia, where he lived constantly in later years. See Foote's *Sketches of Virginia*, I. 367-387.



to be able with certainty to inform others of a Seat as magnificent in itself and with as many surrounding Conveniences, as any I have ever seen, and perhaps equal to any in this Colony.

Mr. *Carter* now possesses 60000 Acres of Land; and about 600 Negroes. But his Estate is much divided, and lies in almost every county in this Colony; He has Lands in the Neighbourhood of Williamsburg, and an elegant and Spacious House in that City. He owns a great part of the well known Iron-Works near Baltimore in Maryland.<sup>1</sup> And he has one or more considerable Farms not far from Anapolis.

He has some large tracts of Land far to the West, at a place call'd "Bull Run," and the "Great Meadows" among the mountains. He owns Lands near Dumfries on the Potowmack; and large tracts in this and the neighbouring Counties. Out of these Lands, which are situated so remote from each other in various parts of these two large Provinces, Virginia and Maryland, Mr. *Carter* has chosen for the place of his habitation a high spot of Ground in Westmoreland County at the Head of the Navigation of the River Nomini, where he has erected a large Elegant House, at a vast expence, which commonly goes by the name of *Nomini-Hall*. This House is built with Brick, but the bricks have been covered with strong lime Mortar; so that the building is now perfectly white; it is seventy-six Feet long from East to West; and forty-four wide from North to South, two Stories high; the Pitch of the lower story seventeen Feet, and the upper Story twelve. It has five Stacks of Chimneys, tho' two of these serve only for ornaments.

There is a beautiful Jutt, on the South side, eighteen feet long, and eight Feet deep from the wall which is supported by three tall pillars. On the South side, or front, in the upper story are four Windows each having twenty-four Lights of Glass. In the lower story are two Windows each having forty-two Lights of Glass, and two Doors each having Sixteen Lights. At the East end the upper story has three Windows each with eighteen Lights; and below two Windows both with eighteen Lights and a Door with nine.

The North side I think is most beautiful of all; In the upper Story is a Row of seven Windows with eighteen Lights a piece; and below six windows, with the like number of lights; besides a large Portico in the middle, at the sides of which are two Windows each with eighteen Lights. At the West end are no Windows. The Number of Lights in all is five hundred, and forty-nine. There are four Rooms on a Floor, disposed of in the following manner. Below is a dining Room where we usually sit; the second is a dining-Room for the Children; the third is Mr. *Carters* study<sup>2</sup>; and the fourth is a Ball-Room thirty Feet long. Above

<sup>1</sup> Probably those established at Gwinn's Falls and Jones's Falls by the Baltimore Company, in which members of the Tasker family (Mrs. *Carter's* connections) were interested. Bishop, *History of American Manufactures*, I. 586.

<sup>2</sup> Fithian includes in his journal a catalogue of Colonel *Carter's* library—89 volumes folio, 76 quarto, 378 octavo, 502 duodecimo, and says that the Colonel had 458 volumes more at Williamsburg—1503 in all.

stairs, one Room is for Mr. and Mrs. Carter ; the second for the young Ladies ; and the other two for occasional Company. As this House is large, and stands on a high piece of Land it may be seen a considerable distance ; I have seen it at the Distance of six Miles.

At equal Distances from each corner of this Building stand four other considerable Houses, which I shall next a little describe. First, at the North East corner, and at 100 yards Distance stands the School House ;

At the North-West Corner, and at the same Distance stands the stable ; At the South-West Corner, and at the same Distance, stands the Coach-House ; And lastly, at the South-East, and at an equal distance stands the Wash-House. These four Houses are the corners of a Square of which the Great-House is the Center. First the School-House is forty five feet long, from East to West, and twenty-seven from North to South ; It has five well-finished, convenient Rooms, three below stairs, and two above ; It is built with Brick a Story and a half high with Dormant Windows ; In each Room is a fire ; In the large Room below-Stairs we keep our School ; the other two Rooms below which are smaller are allowed to Mr. Randolph the Clerk ; The Room above the School-Room Ben and I live in ; and the other Room above Stairs belongs to *Harry* and *Bob*. Five of us live in this House with great Neatness, and convenience ; each one has a Bed to himself.

And we are call'd by the Bell to the Great-House to Breakfast &c. The Wash-House is built in the same form, and is of the same Size of the School-House. From the front yard of the Great House, to the Wash-House is a curious *Terrace*, covered finely with Green turf, and about five foot high with a slope of eight feet, which appears exceeding well to persons coming to the front of the House. This *Terrace* is produced along the Front of the House, and ends by the Kitchen ; but before the Front-Doors is a broad flight of steps of the same Height, and slope of the *Terrace*.

The Stable and coach-House are of the same Length and Breadth as the School- and Wash-House, only they are higher pitched to be convenient for holding Hay and Fodder.

Due East of the Great House are two Rows of tall, flourishing, beautiful Poplars, beginning on a Line drawn from the School to the Wash-House ; these Rows are something wider than the House, and are about 300 yards Long, at the Eastermost end of which is the great Road leading through Westmorland to Richmond. These Rows of Poplars<sup>1</sup> form an extremely pleasant avenue, and at the Road, through them, the House appears most romantic, at the same time that it does truly elegant. The Area of the Triangle made by the Wash-House, Stable and School-House is perfectly level, and designed for a bowling-Green, laid out in rectangular Walks which are paved with Brick, and covered over with burnt Oyster-Shells. In the other Triangle, made by the Wash-House,

<sup>1</sup> These beautiful old trees are still the admiration of all who see them ; though the house and buildings have been gone for many years, this stately avenue survives with hardly a tree missing.



Stable, and Coach-House is the Kitchen, a well-built House, as large as the School-House ; Bake-House ; Dairy ; Store-House and several other small houses ; all which stand due West, and at a small distance from the great House, and form a little handsome Street. These Buildings stand about a quarter of a Mile from a Fork of the River Nomini, one Branch of which runs on the East of us, on which are two Mills ; one of them belongs to Mr. Turburville the other to Mr. Washington,<sup>1</sup> both within a mile. another branch of the River runs on the West of us, on which and at a small distance above the House stands Mr. Carter's Merchant Mill, which I have in other places described ; to go to the mill from the House we descend I imagine above an 100 Feet ; the Dam is so broad that two carriages may pass conveniently on it ; and the Pond from twelve to Eighteen Foot water. at the fork Mr. Carter has a Granary, where he lands his Wheat for the mill, Iron from the Works etc.

In the evening Mr. Carter sent for Ben and I to play over the *Sonata* which we have lately learn'd ; we performed it, and had not only Mr. Stadleys Approbation, but his praise ; he did me the honour to say that "I play a good Flute." He took a Flute also and play'd ; which put me in mind, at once, of the speech of the Shepherd in Virgil.—Non tu in Triviis, indocte, solebas Stridenti miserum Stipula disperdere carmen. For when compared to him, the best that Ben or I can do, is like Crows among Nightingales. We play'd till ten, and separated. I gave to Miss Harriot, for saying a good lesson, half a Bit.

*Tuesday, March 24.* At Breakfast Mr. Carter entertained us with an account of what he himself saw the other Day, which is a strong Representation of the cruelty and distress which many among the Negroes suffer in Virginia !

Mr. Carter dined at Squire Lees<sup>2</sup> some few Weeks ago ; at the same place, that day, dined also Mr. George Turburville and his Wife. As Mr. Carter rode up he observed Mr. Turburville's Coach-Man sitting on the Chariot-Box, the Horses off. After he had made his compliments in the House, He had occasion soon after to go to the Door, when he saw the Coachman still sitting, and on examination found that he was there fast chained ! The Fellow is inclined to run away, and this is the method which This Tyrant makes use of to keep him when abroad ; and So soon as he goes home he is delivered into the pityless Hands of a bloody Overseer ! In the Language of a Heathen I query whether cunning old *Charon* will not refuse to transport this imperious, haughty Virginian Lord When he shall happen to die over the Styx to the Elysian Gardens ; lest his Lordship in the passage should take affront at the treatment, and attempt to chain him also to the Stygean Galley for Life !

Or, In the language of a Christian, I query whether he may be admitted into the peaceful Kingdom of Heaven where meekness, Holiness, and Brotherly-Love, are distinguishing Characteristicks ?

<sup>1</sup> Presumably John Augustine Washington of Bushfield, younger brother of Gen. Washington.

<sup>2</sup> Richard Lee of Lee Hall ; see p. 301, note 1.



*Monday, April 4.* After Supper I had a long conversation with Mrs. Carter concerning Negroes in Virginia, and find that She esteems their value at no higher rate than I do. We both concluded, (I am pretty certain that the conclusion is just) that if in Mr. Carters, or in any Gentlemans Estate, all the Negroes should be sold, and the money put to Interest in safe hands, and let the Lands which these Negroes now work lie wholly uncultivated, the bare Interest of the Price of the Negroes would be a much greater yearly income than what is now received from their working the Lands, making no allowance at all for the trouble and Risk of the Masters as to the Crops, and Negroes. How much greater then must be the value of an Estate here if these poor enslaved Africans were all in their native desired Country, and in their Room industrious Tenants, who being born in freedom, by a laudable care, would not only enrich their Landlords, but would raise a hardy Offspring to be the Strength and the honour of the Colony.

*Thursday, April 7.* Mr. Carter proposes to set away soon after Dinner. He seems, however, to prepare himself for his Journey with all the sedateness of a philosopher. Besides the Commands he gave me yesterday, he desires me to wait on Mr. Willing Merchant in Philadelphia<sup>1</sup> and know if he will trade here for either Flour or Bread in any Quantity. He has given Ben and me an Invitation to ride and spend this Evening with him at Colonel Tayloe's. We set out about three; Mr. Carter travels in a small, neat Chair, with two waiting Men. We rode across the Country which is now in full Bloom; in every field we saw Negroes planting Corn, or plowing, or hoeing; we arrived at the Colonels about five, Distance twelve miles. Here is an elegant Seat!<sup>2</sup> The House is about the Size of Mr. Carters, built with stone, and finished curiously, and ornamented with various paintings, and rich Pictures. This Gentleman owns *Yorick*, who won the prize of 500£ last November, from Dr. Floods Horse Gift. In the Dining-Room, besides many other fine Pieces, are twenty four of the most celebrated among the English Race-Horses, Drawn masterly, and set in elegant gilt Frames. He has near the great House, two fine two Story stone Houses, the one is used as a Kitchen, and the other, for a nursery, and Lodging Rooms. He has also a large, well formed, beautiful Garden, as fine in every Respect as any I have seen in *Virginia*. In it stand four large beautiful Marble Statues. From this House there is a good prospect of the River *Rapahannock*, which opposite here is about two miles across; We can also from the chambers easily see the Town Hobbes-Hole and the Ships.

<sup>1</sup> Thomas Willing (1731-1821), partner with Robert Morris in the great house of Willing and Morris; afterwards president of the Bank of North America, and of the Bank of the United States.

<sup>2</sup> Mt. Airy, the beautiful home of the Tayloe family, still stands. It was built in 1750, by Col. John Tayloe, and is one of the handsomest of all the old colonial mansions. The interior was destroyed by fire in 1844, but was rebuilt again by Mr. William Tayloe, within the same walls. Situated upon a high hill in Richmond County, it commands an extensive and beautiful view of the *Rappahannock* River and surrounding country.

which lie there. I was introduced by Mr. *Carter* to the Colonel, to Miss Polly, and to Miss Kitty<sup>1</sup> his daughters, and to a Lady (Mrs. Thornton) that happened there, and to a young Gentleman, Mr. Corbin. The young ladies played several tunes for us, and in good taste on the *Harpsichord*; We supp'd at nine; and had the usual Toasts.

*Friday, April 8.* The Ladies before breakfast gave us several tunes on the Harpsichord. About ten Mr. Carter set out for *Williamsburg*, to the general Court, which sits twice a year, each Time twenty four Days Sundays excluded. We had some agreeable conversation this morning; Horses seem to be the Colonels favourite topic. He inquired of me however, where I was born; where educated; and if I am pleased with *Virginia*. He told me he saw Dr. Witherspoon, and conversed with him an Evening last Fall, and is much pleased with his manner, and Qualities. He informed me that Dr. *Morgan* of Philadelphia<sup>2</sup> breakfasted with him a few Days ago; he calls the Doctor facetious, sensible, and prudent. The Colonel desired me to enquire for some Gentleman of undoubted ability to teach in a Family. I shall apply to Mr. *Sam'l Leek jun'r*<sup>3</sup> and if he declines I will look no further. Ben and I took our Leave about Eleven, and returned home.

*Saturday, April 9.* Mrs. Carter gave Ben liberty to go with me as far as Anopolis, provided we set out soon, and accordingly we propose to set off to-morrow or Monday morning, I begin therefore to prepare for the Ride. The Day is rainy and cold, and I am in a vastly disagreeable Humour.<sup>4</sup>

*Saturday, May 28.* I found Mr. and Mrs. Carter at home sitting together. They received me with great welcome. *Ben, Bob, Miss Fanny and Betsy* came in to see me. The others in bed. sup'd on *Crabs* and an elegant dish of Strawberries and cream. How natural, how agreeable, how majestic this place seems!

*Sunday, May 29.* The family is invited to dine with Mr. Turburville. Mr. and Mrs. *Carter*, Miss Priscilla and Nancy with three Servants went from Church. *Ben, Bob, Miss Fanny, Betsy and Harriot* with two Servants cross'd the River. Miss *Sally* with *Tasker* and one Servant rode in a Chair. Dined with us Captain Dennis, of the Ship *Peggy*.

<sup>1</sup> Mary Tayloe, we are told, married Mann Page of Spottsylvania in 1776, while Catharine married Landon Carter of Richmond County in 1780.

<sup>2</sup> Dr. John Morgan, F.R.S., one of the founders of the medical school at Philadelphia and one of its first and most eminent professors. Perhaps he was now returning from the journey to Jamaica, which he made in 1773 in order to obtain funds for the College of Philadelphia. In 1775 he was appointed by Congress director-general of the military hospitals and physician-in-chief to the American army.

<sup>3</sup> Of the class of 1774, then about to graduate at Princeton. As the best scholar in the class, he had been appointed by the faculty to deliver at Commencement the Latin salutatory. But a few days after the date of the text, on April 19, 1774, the trustees vacated the choice on the ground that Leake had taken a prominent part in the burning of Governor Hutchinson in effigy by the students, and had insulted a trustee who opposed their proceedings.

<sup>4</sup> A vacation intervenes, spent at Fithian's home in New Jersey.



Dr. *Steptoe*; and Mr. *Cunningham*. Politicks were the topic—and indeed the Gentlemen seemed warm. The Governor of this Province dissolved the Assembly last week after they had made a resolve that a general and solemn fast be observed thro' this whole Colony, on Account of the melancholy aspect of American Affairs at present, to be kept the first day of June, which is next Wednesday, when the alarming Act of Parliament which has lately come over is to take place at Boston.<sup>1</sup> Parson Smith accordingly gave it out at the Church to Day and it is to be observed. I only saw Miss Sally Panton, she did not dine with us. I am told She has an Estate in England of 50£ Sterling pr. Annum, but for some unknown cause came over, probably the same as drew me from home. After dinner we had a Grand and agreeable Walk in and through the Gardens. There is great plenty of Strawberries, some Cherries, Gooseberries &c. Drank Coffee at four, they are now too patriotic to use tea. Soon after we set out for Home. The young Ladies chose to walk and Cross the water with us. I am much more pleas'd with the Face of the Country since my return than I have ever been before. It is indeed delightful!

*Tuesday, May 31.* Very warm. I feel well reliev'd of the Fatigues of my ride. The lower Class of People here are in a tumult on the account of Reports from Boston, many of them expect to be press'd and compelled to go and fight the Britains! Evening I asked the Colonel if he proposed to observe the fast, and attend Sermon to-morrow; he answered that "No one must go from hence to Church, or observe the Fast at all." By this, (for it is hard to know his opinion from any thing he declares) I conclude he is a courtier.

*Saturday, June 18.* Towards evening 'Squire *Lee* call'd in, and brought a late London NewsPaper in which we are informed that another Act of Parliament has pass'd taking from the People of Boston all power of trying any Soldier, or Person whether for committing any Crime: and obliging all such offenders to be sent home for legal Tryal.<sup>2</sup> Heaven only knows where these tumults will End! He informed us likewise that last Saturday in Richmond (our neighbor County) the people drest and burnt with great marks of Detestation the infamous Lord *North*. Mrs. *Carter*, after the 'Squire left us quite astonished me in the Course of the evening, with her perfect acquaintance with the American Constitution.

*Friday, June 24.* To Day in course Mr. Christians Dance happens here. He came before Breakfast. Miss *Jenny Washington*<sup>3</sup> came also,

<sup>1</sup> The Boston Port Bill went into operation on June 1, 1774. On May 24, 1774, the Virginia House of Burgesses passed a resolution expressing sympathy with the people of Boston, and declaring it "highly necessary that the said first day of June next be set apart by the members of this house, as a day of fasting, humiliation, and prayer, devoutly to implore the Divine interposition for averting the heavy calamity which threatens destruction to our civil rights, and the evils of civil war." In consequence of this act, Governor Dunmore on the following day dissolved the house.

<sup>2</sup> 14 Geo. III. c. 39.

<sup>3</sup> Presumably Gen. Washington's niece, the daughter of John Augustine Washington and sister of Bushrod Washington. She subsequently married her cousin Col. William Augustine Washington.



and Miss *Priscilla Hale* while we were at Breakfast. Miss Washington is about seventeen; She has not a handsome Face, but is neat in her Dress, of an agreeable Size, and well proportioned, and has an easy winning Behaviour; She is not forward to begin a conversation, yet when spoken to she is extremely affable, without assuming any Girlish affectation, or pretending to be overcharg'd with Wit; She has but lately had opportunity of Instruction in Dancing, yet She moves with propriety when she dances a *Minuet* and without any *Flirts* or vulgar *Capers*, when She dances a *Reel* or *Country-Dance*: She plays well on the Harpsichord, and Spinnet; understands the principles of Musick, and therefore performs her Tunes in perfect time, a Neglect of which always makes music intolerable, but it is a fault almost universal among young Ladies in the practice; She sings likewise to her instrument, has a strong, full voice, and a well-judging Ear; but most of the Virginia-Girls think it labour quite sufficient to thump the Keys of a Harpsichord into the air of a tune mechanically, and think it would be Slavery to submit to the Drudgery of acquiring Vocal Music; Her Dress is rich and well-chosen, but not tawdry, nor yet too plain; She appears to Day in a Chintz cotton Gown with an elegant blue Stamp, a Sky-Blue silk Quilt, spotted Apron; Her Hair is a light Brown, it was crap'd up, with two Rolls at each Side, and on the top a small cap of beautiful Gauze and rich Lace, with an artificial flower interwoven. Her person and carriage at a small distance resembles not a little my much respected *Laura*. But on close examination her Features are something masculine, those of *Laura* are mild and delicate. Mr. *Christien* very politely requested me to open the Dance by stepping a Minuet with this amiable Girl, but I excused myself by assuring Him that I never was taught to Dance. Miss Hale is about fourteen; a slim, puny silent Virgin; She has black Eyes, and black Hair, a good sett of Eye-Brows, which are esteem'd in Virginia essential to Beauty; She looks innocent of every human Failing, does not speak five Words in a Week, and I dare say from her Carriage that her Modesty is invincible; She is drest in a white Holland Gown, cotton Diaper Quilt very fine, a Lawn apron, has her Hair crap'd up; and on it a small Tuft of Ribbon for a Cap. She is but just innitiated into the School, and only hobbles yet. Once I saw her standing; I rose immediately and begg'd her to accept my Chair; She answered most kindly, "Sir I thank you," that was all I could extract from this Wonder of the Sex for the two Days she stay'd, and I seemed to have an equal Share too in the Favours of her Conversation; so that I cannot be any way particular in describing the mental faculties of Miss *Hale*, it is sufficient to say that I think she is far removed from most of the foibles of Women. Some time after these came Colonel Lee's Chariot with five young Misses. These five, with Miss Washington and Miss Hale and Miss Nancy Carter, and Bob are Mr. Christiens Compliment of Scholars in this School except Miss Turburville who is just now up the country with an Uncle, where She is to Stay some time together with Miss Corbin. Miss Betsy Lee<sup>1</sup> is about

<sup>1</sup> Probably Elizabeth, daughter of John Lee of Essex, a nephew of President Thomas Lee.

thirteen ; a tall slim genteel Girl ; She is very far from Miss Hale's taciturnity, yet is by no means disagreeably forward ; She dances extremely well, and is just beginning to play the Spinet. She is drest in a neat shell Callico Gown, has very light Hair done up with a Feather, and her whole carriage is easy inoffensive, and graceful. The other Miss Lee's are small. Towards evening came in George Lee, and Mr. *Grubb*, an English Gentleman ; the Company danced after candle-light a Minuet round, three Country-Dances, several Reels, when we were rung to Supper after Supper we set til twelve drinking loyal Toasts.

*Sunday, July 10.* A Sunday in Virginia dont seem to wear the Same Dress as our Sundays to the Northward. Generally here by five o-Clock on Saturday every Face (especially the Negroes) looks festive and cheerful. All the lower class of People, and the Servants, and the Slaves, consider it as a Day of Pleasure and amusement, and spend it in such Diversions as they severally choose. The Gentlemen go to Church to be sure, but they make that itself a matter of convenience, and account the Church a useful weekly resort to do Business.

*Saturday, July 16.* [Invited to accompany the colonel on a trip, by water, down the River Machodock to the Potowack, then up the Nomini]. The *Colonel, Ben* and *myself* rode on Horse-back about Six to Mr. *Atwells* ; four lusty, hearty Men had gone on foot before who were Oarsmen ; Here we were to enter a Boat never Rowed before, and proceed down the River Machodock to Mr. *Carters* Store-Houses which are now building near the mouth of that River. But I am going to venture upon a Description of a Scene which I am sure I will not do Justice to—A Scetch of three Rivers—Their Beautiful Banks—Several Gentlemens Seats—Their commodious harbours—In particular that near which Mr. *Carter* is erecting Store-Houses. The whole is to be an account of our peregrination this 16th burning day of July 1774.

I have said, that we rode on Horseback to Mr. *Atwells* where we were to go on board and have our Horses sent back. This House is called six Miles from the mouth of Machodock. It stands on the Bank of the River ; The Boat that carried us is built for the purpose of carrying the young Ladies and others of the Family to Nominy Church. It is a light neat *Battoe* elegantly painted and is rowed with four Oars. We went on board ; The Sun beamed down upon us, but we had each an Uمبرella. The River is here about Gunshot over ; the Banks are pretty low, but hard to the very Water. I was delighted to see Corn and Tobacco growing, or Cattle and Sheep feeding along the Brink of this River on both Sides, or else Groves of Pines, Savins and Oaks growing to the side of the Bank. We passed by an elegant small Seat of Mr. *Beal* ; it was small, but it was neat. We arrived at Mr. *Carters Store-Houses* in 50 minutes, they are 5 Miles from Mr. *Atwells*, and one from Potowmack. These Houses are building for the reception of Iron, Bread, Flour &c. there are two Houses each 46 Feet long by 20. They stand at the Bottom of a Bay which is a safe and spacious harbour. Here we Breakfasted at ten, At twelve we pushed off from thence and rowed by parson Smiths Glebe



and in sight of his house in to the broad beautiful Potowmack. I think it is here ten Miles or twelve over has a fine high hard Bank ; no Marshes, but Cornfields, Trees or Grass ! Up the lovely Water we were rowed six Miles into the Mouth of Nominy. We went on Board a small Schooner from *Norfolk* which lay in Nominy-Bay. Mr. Carter is loading her with Flour and Iron. Here we were in sight of Stratford,<sup>1</sup> Colonel Lee's Seat. We were in sight too of Captain Cheltons. And of Colonel Washingtons<sup>2</sup> Seat at Bushfield. From the Schooner we Rowed up Nominy-River. I have forgot to remark before that from the time of our setting out as we were going down Machodock, and along the Potowmack-Shore, and especially as we were rowing up Nominy we saw Fishermen in great numbers in Canoes, and almost constantly taking in Fish, Bass and Perch. This was beautiful ! The entrance of Nomini is very shoal, and stony, the Channel is very narrow, and lies close to the Easternmost Side. On the edges of these shoals, or in Holes between the Rocks is plenty of Fish. The Banks of Nominy are steep and vastly high, twenty or thirty Feet, and in some places almost perpendicular ; The Course of the River is crooked, and the prospects on each Side vastly romantic and diversified. We arrived at the Granary near Nominy-Hall about six. I went to my room to take off an Account of the expedition.

*Tuesday, August 2.* Ben and I drest ourselves pretty early with an intention to Breakfast with Colonel Tayloe, but the Servant who went with us was so slow in preparing that we breakfasted before we set out. We arrived at Colonel Tayloe's however by half after nine. The young Ladies we found in the Hall playing the Harpsichord. The morning cool with a fine Breeze from the North for I forgot to mention that about Midnight last Night a violent Gust of Blackness, Rain and Thunder came on and gave us present Relief from the scorching Sun ; there was no Dust and the riding was pleasant. The Colonel, his Lady, Miss Polly, Miss Kitty, Miss Sally,<sup>3</sup> rode in their Great Coach to the Ferry. Distance about 4 miles. Ben and I on Horseback. From Colonel Tayloe's to this Ferry opposite to Hobbs's Hole the Land is level and extremely good ; Corn here looks very rank is set thick with Ears, and they are high and large, three commonly on a Stalk. Here I saw about an Acre and a half of Flax, which the people were just pulling, exceedingly out of Season. This is the only Flax I have seen since I have been in the Colony ; I am told they raise much in the upper Counties. Here too is a great Marsh covered with thick high Reed. The Face of this part of the Country looks fertile, but I apprehend it is far from being healthy. We came to the Bank of the Rappahannock ; it is here about 2 Miles over the Shipping on the other Side near the Town lying at Anchor looks fine ; no large Vessels can haul along the Wharves on account of shoal Water. There were six Ships riding in the Harbour, and a number of

<sup>1</sup> The famous old mansion at Stratford (see *Lee's Lee of Virginia*, pp. 114-120) was at this time occupied by Col. Philip Ludwell Lee.

<sup>2</sup> Col. John Augustine Washington, the future general's younger brother.

<sup>3</sup> Afterward the third wife of Col. William Augustine Washington.



Schooners and smaller Vessels. Indeed, says Mrs. *Taylor*, Captain *Dobby* has forgot us, here we have been waiting for a full half hour, shall we take the Ferry Boat Colonel and cross over, and not stand any longer in the burning heat? I was pleased not a little with the proposal, tho' at the same time, I laughed with myself at Mrs. *Taylor*'s truly Womanish impatience! At last they are coming. The long-Boat came, well furnished with a large Awning, and rowed with four Oars. We entered the Ship about half after twelve where we were received by Captain *Dobby*, with every possible token of welcome.

Since I have been in Virginia, my inclination, and my fixed purpose before I left home, both of which were very much assisted by a strict Attention to the instructing my little Charge, these have kept me pretty constantly, almost wholly, indeed out of that kind of Company where dissipation and Pleasure have no restraint. This entertainment of Captain *Dobby*'s, elegant indeed, and exceedingly agreeable, I consider as one among a prodigious throng of more powerful similar Causes, of the fevers and other Disorders which are common in this Colony, and generally attributed to the Climate which is thought to be noxious and unhealthy. The Weather here indeed is remarkably variable But taking away and changing the usual and necessary Time of Rest; Violent Exercise of the Body and Spirits; with drinking great quantities of variety of Liquors, these bring on Virginia Fevers. The *Beaufort* is a stately Ship; Captain *Dobby* had an Awning from the Stern over the Quarter quite to the Mizzen-Mast, which made great Room, kept off the Sun, and yet was open on each Side to give the Air a free passage. At three we had on Board about 45 Ladies, and about 60 Gentlemen besides the Ships Crew, and Waiters, Servants &c. We were not throng'd at all, and dined all at twice. I was not able to inform myself, because it seemed improper to interrupt the General pleasure, with making circumstantial inquiries concerning Individuals, and saying pray, Sir, what young Lady is that yonder in a Lute-String Gown? She seems genteel; where does her Father live? Is she a Girl of Family and Breeding? Has She any Suitors? This when one could not be out of the Inspection of the Company, would have seemed impertinent so that I did not much enlarge my Acquaintance with the Ladies, which commonly seems pleasing and desirable to me; But I took Notice of Several, and shall record my remarks.

The Boats were to Start, to use the Language of Jockeys, immediately after Dinner; A Boat was anchored down the River at a Mile Distance; Captain *Dobby* and Captain *Benson* steer'd the Boats in the Race. Captain *Benson* had 5 Oarsmen; Captain *Dobby* had 6. It was *Ebb-Tide*. The Betts were small, and chiefly given to the Negroes who rowed. Captain *Benson* won the first race. Captain *Purchase* offered to bet ten Dollars that with the same Boat and same Hands, only having Liberty to put a small Weight in the Stern, he would beat Captain *Benson*. He was taken, and came out best only half the Boats Length. About Sunset we left the Ship and went all to Hobbs's Hole, where a *Ball* was agreed on. This is a small Village, with only a few Stores, and Shops, it is on a

beautiful River, and has I am told commonly six, eight and ten Ships loading before it the Crews of which enliven the Town. Mr. Ritche Merchant; he has great influence over the People, he has great Wealth; which in these scurvy Times gives Sanction to Power; nay it seems to give countenance to Tyranny.

——The Ball Room——

25 Ladies—40 Gentlemen—The Room very long, well-finished, airy and cool, and well-seated—two Fiddlers. Mr. *Ritche* stalk'd about the Room. He was Director, and appointed a sturdy two fisted Gentleman to open the Ball with Mrs. *Taylor*. He danced midling tho'. There were about six or eight married Ladies. At last Miss *Ritche* danced a Minuet with——She is a tall slim Girl, dances nimble and graceful. She was *Ben Carters* partner. Poor Girl She has had the third Day Ague for twelve months past, and has it yet She appeared in a blue Silk Gown; Her Hair was done up neat, without powder, it is very Black and Set her to good Advantage. Soon after her danced Miss *Dolly Edmundson*—A Short pretty Stump of a Girl; She danced well, sung a Song with great applause, seemed to enter into the Spirit of the entertainment. A young Spark seemed to be fond of her; She seemed to be fond of him; they were both fond, and the Company saw it. He was Mr. *Ritche's* Clerk, a limber, well dress'd, pretty-handsome Chap he was. The insinuating Rogue waited on her home, in close Hugg too, the moment he left the Ball-Room. Miss *Aphia Fantleroy* danced next, the best dancer of the whole absolutely. And the finest Girl. Her head tho' was powdered white as Snow, and crap'd in the newest Taste. She is the Copy of the goddess of Modesty. Very handsome; she seemed to be loved by all her Acquaintances, and admired by every Stranger. Miss *McCall*——Miss *Ford*——Miss *Brokenberry*——*Ball*——Two of the younger Miss *Ritche's*——Miss *Wade*.—They danced till half after two, Captain *Ritche* invited Ben and I, Colonel *Taylor* and his Family with him. We got to Bed by three after a Day spent in constant Violent exercise, and drinking an unusual Quantity of Liquor; for my part with Fatigue, Heat, Liquor, Noise, Want of sleep, And the exertion of my Animal spirits, I was almost brought to believe several times that I felt a Fever fixing upon me, attended with every Symptom of the Fall Disorders.

*Wednesday, August 3.* We were call'd up to Breakfast at half after eight. We all look'd dull, pale, and haggard! From our Beds to Breakfast. Here we must drink Hot Coffee on our parching Stomachs! But the Company was enlivening—Three of the Miss *Taylor's*—Three Miss *Ritche's*—And Miss *Fantleroy*. This loveliest of all the *Ring* is yet far below—*Laura* If they were set together for the choice of an utter Stranger; he would not reflect, but in a moment spring to the Girl that I mean to regard. After Breakfast the young Ladies favoured us with several Tunes on the Harpsichord. They all play and most of them in good Taste. at eleven we went down to the River; the Ships Long Boat was waiting. Captain *Purchase* of the *Beaufort*, helped us on Board.



I gave the Boatswain a Pisterene for his trouble. Half a Bit for the Pasture of my Horse. We rode to Colonel Tayloe's. The Ladies all retired for a nap before Dinner, we sat in the Hall, and conversed with the Colonel a sensible, agreeable sociable person. Miss *Garrot* is Governess of the young Ladies; She too is chatty, satirical, neat, civil, had many merry remarks at Dinner, we staid til about six took our Leave, and rode Home. Found all well; gave an account of ourselves, of our entertainment, and of our Company to Mr. and Mrs. Carter at Coffee, and retired soon to Bed.

*Saturday, August 13.* Evening came in Colonel *Henry Lee*. He is chosen<sup>1</sup> to be one of the seven who represent this Colony in the General Congress to be held next Month in Philadelphia. He sets out next Sunday Sennight.

*Thursday, August 25.* Still stormy. The Gentlemen who are sailing up the Bay to the Congress have a disagreeable time. This is a true August Northeaster, as we call it in Cohansie. *Ben* is in a wonderful *Fluster* lest he shall have no company to-morrow at the Dance. But blow high, blow low, he need not be afraid; *Virginians* are of genuine Blood. They will dance or die! I wrote some at my *Letter* for Mr. *Peck*.<sup>2</sup> The people here pronounce shower "Sho-er." And what in New Jersey we call a Vendue here they [call] a "Sale." All Taverns they call "Ordinary's." When a Horse is frolicsome and brisk, they say at once he is "gayly." She is mischievous, they call him "vicious." At five, with *Ben*, I rode out for exercise. After a while we arrived at *George Lee's*. He gave us some excellent Peaches. He returned with us to Mr. *Turberville's*. We met here with Miss *Betsy Lee*,<sup>3</sup> Mr. *Grubb*, *Lancelot Lee* and here we spent the evening. *Fish-Feasts*, and *Fillies*, Loud disputes concerning the Excellence of each others Colts—Concerning their Fathers, Mothers (for so they call the Dams) Brothers, Sisters, Uncles, Aunts, Nephews, Nieces, and Cousins to the fourth Degree! All the Evening Toddy constantly circulating. Supper came in, and at Supper I had a full, broad, satisfying view of Miss *Sally Panton*. I wanted to hear her converse, but poor Girl anything She attempted to say was drowned in the more polite and useful Jargon about Dogs and Horses! For my Part, as I was unwilling to be singular, if I attempted to push in a word, I was seldom heard, and never regarded, and yet they were constantly refering their Cases to me, as to a supposed honest fellow, I suppose because I wear a black Coat, and am generally silent; at Home I am thought to be noisy enough; here I am thought to be silent and circumspect as a *Spy*. How different the Manners of the People! I try to be as cheerful as I can, and yet I am blamed for being stupid as a Nun.

*Monday, September 12.* We threatned having a Fire this morning. I wrote at my Sermon. From the Ship lying at *Leeds*, arrived this after-

<sup>1</sup> By the first convention of Virginia, early in August. R. H. Lee is intended.

<sup>2</sup> John Peck, Princeton 1774, who on Fithian's recommendation succeeded him as tutor at Nominy Hall.

<sup>3</sup> Presumably the sister of George and Lancelot, not the one mentioned on p. 310.



noon our new Coach. It is a plain carriage, upper part black, lower Sage or Pea-Green. The Harness is neat strong, and suitable for the Country. Price 120£ Sterling. In the same Ship Mrs. Carter imports about 30£ value in plate in a pair of fashionable Goblets; Pair of beautiful Sauce-Cups; and a Pair of elegant Decanter-Holders. Ben introduced into our Room a plain useful Book-Case, in which we class and place our Books in order. after School, I took a Book, and walked through the Pasture strolling among Horses, Cows, and Sheep, grazing on the Hills and by the River.

*Friday, September 16.* Mrs. Carter, this morning, with *Prissy, Nancy, and Bob* went in the New-Coach to the *Dance at Stratford*,<sup>1</sup> the morning is mild, fair and cool. The Colonel informed me that now his Mill-House Bake Houses, Store Houses &c. with a clear unobstructed navigation is compleated, and that, he will rent them all to a Person properly qualified, or gladly employ a person who is capable, trusty and industrious enough to be the sole Director of so great and valuable Property. Dined with us captain Walker. He threw out several exceeding unpopular Sentiments with regard to the present amazing Disturbances through the Colonies. One in special I think proper to record because it fixes his Character, and declares him, in Spite of all pretence, an enemy to America. He asserted that no Officers (at Boston or elsewhere) are obliged, either by Law, or Right, to question or refuse any kind of orders which they receive from their Sovereign, or commanding Officer. But I count every man, who possesses and publishes such sentiments in this Crisis of the Fate of a vast Empire, as great an enemy to America at least, as Milton's *Arch-Devil* was to Mankind!

*Monday, September 19.* The morning fine and cool, and produces in our School at last a fine Fire! Fire looks and feels most welcome; and I observe it makes our children remarkably garrulous and noisy. I took cold by Saturdays unusual exercise, and to Day have a Pain through my head, sore throat, and the other common troubles in a Cold. This Day begins the examination of the Junior class at Nassau-Hall. Every time I reflect on that Place of retirement and Study, where I spent two years which I call the most pleasant as well as the most important Period in my past life—Always when I think upon the *Studies*, the *Discipline*, the *Companions*, the *Neighbourhood*, the *exercises*, and *Diversions*, it gives me a secret and real Pleasure, even the Foibles which often prevail there are pleasant on recollection; such as giving each other *names* and *characters*; Meeting and Shoving in the dark entries: knocking at Doors and going off without entering; Strowing the entries in the night with greasy Feathers; freezing the Bell; Ringing it at late Hours of the Night;—I may add that it does not seem disagreeable to think over the Mischiefs often practised by wanton Boys—Such are writing witty pointed anonymous Papers, in *Songs*, *Confessions*, *Wills*, *Soliloquies*, *Proclamations*, *Advertisements* &c—Picking from the neighbourhood now and then a plump fat Hen or Turkey for the private entertainment of the Club

<sup>1</sup> The house of Col. Philip Ludwell Lee. See above, p. 297, note 1; p. 312, note 1.

"instituted for inventing and practising several new kinds of mischief in a secret polite Manner"—Parading bad Women—Burning Curse-John—Darting Sun-Beams upon the Town-People Reconnoitering Houses in the Town, and ogling Women with the Telescope—Making Squibs, and other frightful compositions with Gun-Powder, and lighting them in the Rooms of timorous Boys and *new comers*—The various methods used in naturalizing Strangers, of incivility in the Dining-Room to make them bold; writing them sharp and threatning Letters to make them smart; leading them at first with long Lessons to make them industrious—And trying them by Jeers and Repartee in order to make them choose their Companions &c &c.

*Sunday, September 25.* The morning clear cool and very dry. I rode to Ucomico-Church. I was surprised when the Psalm begun, to hear a large Collection of voices singing at the same time, from a Gallery, entirely contrary to what I have seen before in the Colony, for it is seldom in the fullest Congregation's, that more sing than the Clerk, and about two others! I am told that a singing Master of good abilities has been among this society lately and put them on the respectable Method which they, at present pursue. I dined at Mr. *Fishers*, among others, I saw there, Dr. *Steploe*, and Mr. *Hamilton* who have lately been to Philadelphia. They give various reports concerning political affairs, and as to the Congress nothing certain, so that I say nothing on that Score. Their Remarks on the City and Inhabitants: The Country &c are curious. They allow the City to be fine, neat, and large; they complain a little of the small Rooms, Uniformity of the Buildings, and several other like faults. They call the Inhabitants grave and reserved; and the Women remarkably homely, hard favour'd and sour! One Colonel Harrison<sup>1</sup> from a lower County in this Colony, offer'd to give a Guinea for every handsome Face that could be found in the City, if any one would put a Copper on every Face that did not come up to that Character! This is an impeachment of the Ladies which I have never heard before. I do not give my opinion either for or against it. The face of the Country, and the method of farming that way delights them: but at this I dont wonder.

*Friday, September 30.* Warm, but clear and dry. Dined with us Mr. *Blain*; he gave us a large account of affairs at the Congress, of the City, Country, Manners, Persons, Trade &c. But he swears the Women are coarse and hardy. Evening I informed the Colonel that it is hardly probable I shall continue in his family til his return from the general Court. And at the same time, desired him to give me a discharge, so that I expect to have all things adjusted before he leaves Home. We have now entered on the Winter plan, have Coffee just at evening and Supper between eight and nine o-Clock. It is wonderful to consider the Consumption of provisions in this family. I have before spoken of Meat, and the steady Rate of flour weekly, for the great House is 100 Lb of which 50 is the finest, and 50 the Seconds. But all the Negroes, and most of the Labourers eat Corn.

<sup>1</sup> Doubtless Col. Benjamin Harrison, the signer.



*Monday, October 3.* After Breakfast the Colonel settled and paid me for my Years Service 40£ Sterling. This is better than the scurvy annuity commonly allowed to the Presbyterian Clergy. He is very Busy in adjusting his affairs, he set out however, by twelve for Williamsburg, after taking final leave of me. *Ben* accompanies him to Richmond Court. Afternoon Miss Corbin and Miss Turberville came in to stay a while with Mrs. *Carter*.

Bob went yesterday to Mr. Lanes there was Parson *Gibbern* ill of his last weeks Bout; he was up three nights successively drinking and playing at Cards, so that the liquor and want of sleep put him quite out of his Sences. A rare tale this to relate of a Man of God! To use the language of the vulgar, "Old Satan will sadly belabour such overgrown Sinners"!

*Wednesday, October 12.* I was told often before I left Home that coming into Virginia would bring me into the midst of many dangerous Temptations; Gay Company, frequent entertainments, little practical devotion, no remote pretention to Heart religion, daily examples in Men of the highest quality of Luxury, intemperance, and impiety; these were urged, by my kind acquaintances, as very strong dissuasions against my leaving home; the admonitions I accepted with great Thankfulness, tho' I could not allow them to turn me off from my purpose and I resolved with as much sincerity and Firmness as I could to carry them with me in every part of my behaviour. The close of the time of my Stay here is I expect now near at hand: And if I may judge myself of the carrying my resolutions into practice, I should pronounce that I have not been wanting in my duty in this respect. Some few who frequently ask me to go from home, say I am dull, unsociable, and splenetic: But the Gentlemen generally here have a good and reasonable manner of judging in this case they are well pleased with strict and rigid virtue, in those who have the management of their children, if it does not grow to factious enthusiasm; so that Levity, tho' perhaps they would wink at it lessens, and in a while would take away the Reputation and business of a Family Tutor. Of this I was fully convinced in a short time after my coming into the Colony, and saw too the very great advantage of the Precaution which I received of my friends, for they assisted me in setting out in a safe and prudent Plan, which has, I hope directed me to propriety of conduct with regard to my private character, and likewise to my little lovely Charge.<sup>1</sup>

*Tuesday, December 6.* The Committee, Messrs. Greenman, Chestnut, Green, Achan and Hollingshead, met at Pittsgrove according to appointment; It was opened with a Sermon, by Mr. Hollingshead. Soon after which they proceeded to examine me in natural and Moral Philosophy, Geography, and divinity. All which they finished about nine in the evening and then gave me a Licence to preach the Gospel. I feel

<sup>1</sup> The writer left Nominy Hall on October 20, and reached his home in southern New Jersey on the 25th. His final trials before the Presbytery at Neshaminy began on November 3, but were adjourned to December 6, 1774.



myself not able ; I feel myself unqualified ; I feel myself unworthy, and very way vastly unequal to this great undertaking. Give me Strength, O Shepherd of Israel ; furnish me with every necessary qualification ; with wisdom, Fidelity, Zeal, Prudence and Perseverance. May I have in my own heart much of the meekness and Spirit of the Gospel, and may I have a sense of my duty in these times of distraction and Misery. Furnish me with an uniform and unbiass'd love for my country and give me courage to engage in every method that has a tendency to save her from Ruin, even if my life should be in Danger in the Competition.<sup>1</sup>

<sup>1</sup> Within two years Philip Fithian, as has been mentioned in the introduction, died in the service of his country.

## REVIEWS OF BOOKS

*The Study of History in Schools ; Report to the American Historical Association by the Committee of Seven :* ANDREW C. McLAUGHLIN, Chairman ; HERBERT B. ADAMS, GEORGE L. FOX, ALBERT BUSHNELL HART, CHARLES H. HASKINS, LUCY M. SALMON, H. MORSE STEPHENS. (New York : The Macmillan Co. 1899. Pp. ix, 267.)

THE newer school studies are slowly taking on what may be called an "educational form." Out of their wealth of material a selection is being made and arranged in order of presentation, logical and psychological. Some day there will be substantial agreement upon these matters not only as to history, but as to geography, the mother-tongue, the modern European languages and the natural sciences as well. Greek, Latin and mathematics have been tempered in the furnace of experience until they have an educational form which, whether good or bad, is well recognized and easily followed. The subjects which have more recently entered the course of study are in a quite different position. They have yet to acquire an accepted educational form.

The newer subjects are likely, in course of time, to have this advantage over the older ones : their educational form will have been arrived at by reflection and comparative study, and not merely by a process of more or less instructive experience and of more or less faithful imitation. It is to be asked, for example, of each claimant for a place in the school, why should this subject be studied in school at all ; what is its relation to our insight into our civilization and our individual and collective effectiveness ; what are its points of contact with human interests and with other subjects of study ; on what principle is its material to be selected for teaching purposes ; how is this material to be presented ; what is its relative value, and what share of time and of emphasis are its due ? When these questions are satisfactorily answered we not only arrive at an educational form for our subject, but we understand the grounds and the limitations of that form.

Writers of history would never succeed in giving to it an acceptable educational form. One may read Droysen's *Grundriss der Historik*, Goldwin Smith's *Lectures on the Study of History*, Freeman's *Methods of Historical Study*, and Bishop Stubbs and Lord Acton on the study of history, and while gaining inspiration, enthusiasm and a wealth of ideas, remain as far from the knowledge of the best educational form for history as before. That knowledge must come and can only come from the

labors of the student of education itself and from those of the skilled and reflective teacher of history, acting together. This condition has been met in the preparation of the volume under review.

The general character and contents of the book, the method of its preparation, its aim, and its unusual importance were all referred to in the *AMERICAN HISTORICAL REVIEW* for October last (pp. 157-158), and that statement need not be repeated here. Like the other large undertakings of similar character, the suggestion which led to the preparation of this report came from the National Educational Association, which has in recent years become the most powerful agency for expressing as well as for stimulating the best educational thought of the country. The report itself was undertaken by the authority of the American Historical Association. It aims to have, and it has, direct practical value for the student of education and for the teacher of history. It is not the first piece of work of its kind, but it is the most thorough, the most carefully prepared, and the broadest. The report of the Madison Conference on history, civil government and political economy to the Committee of Ten on Secondary School Studies (1893) is valuable and very suggestive; and the discussion of the aims and methods of teaching American history in the *Report of the Committee of Fifteen on Elementary Education* (1895), while brief, is philosophical and distinctly helpful; but the present report is clearly of a higher type than either of the others, whether judged by its method, by its scope, or by its conclusions.

The period of study covered by the report is avowedly that of secondary education. It is assumed that American history, the natural point of departure in historical study for American pupils, has been studied for three or four years in the elementary school: therefore the interesting and difficult questions arising there are not touched by this report. European experience was before the committee in ample detail; and the studies of Miss Salmon, Mr. Haskins and Mr. Fox of history-teaching in the typical secondary schools of Germany, France and England, respectively, are of permanent interest and value.

What, then, is the point of view of the report? Does it, like so many disquisitions on elementary and secondary education that bear the signatures of eminent scholars and university teachers, invert the educational pyramid and make the college course and, most of all, the college entrance examination the test of what and how the secondary school should teach? This crucial question may be unhesitatingly answered in the negative. The writers of the report have consciously avoided that danger, and they have studied the needs of secondary school students on their merits. It is asserted, first, that history is an integral, not an accidental or ornamental, part of the secondary school course, and that its study should be continuous. These are incontrovertible propositions. It is asserted, also, that each of the four secondary school years should be given a block or period, and that the four blocks or periods should be studied in this order: (1) ancient history, with special reference to Greece and Rome, (2) medieval and modern European history from



about 800 A. D. to the present time, (3) English history, and (4) American history and civil government. This is a good order. The fact that the seven members of this committee agree in recommending it, makes it probable that it is the best. It reveals a natural sequence of events, and it admits of a correlation between history and the other school subjects. The reading of the Greek and Latin classics, or such of them as are found in the first two secondary school years, will aid and be aided by the study of ancient history in the first year. The literature of the second and third years should help and be helped by the history of those years. American history in the fourth year carries the pupil over the field of his elementary school work from a new and higher point of view, meets—as far as it is wise to meet—the desire for some intensive study, and admits of ample application to the fundamental principles of economics and of civil government. All the possible objections to this sequence of blocks or periods that are mentioned by the committee or that have occurred to the present reviewer, are reducible to bad teaching; and that no course of study can either provide for or guard against. The purpose of the committee in framing just this course is admirably stated in this paragraph:

"We ask, then, for a course in history of such length that the pupil may get a broad and somewhat comprehensive view of the general field, without having, on the one hand, to cram his memory with unrelated, meaningless facts, or, on the other hand, to struggle with generalizations and philosophical ideas beyond his ken. We think that a course covering the whole field of history is desirable, because it gives something like a proper perspective and proportion; because the history of man's activities is one subject, and the present is the product of all the past; because such a study broadens the mental horizon and gives breadth and culture; because it is desirable that pupils should come to as full a realization as possible of their present surroundings, by seeing the long course of the race behind them; because they ought to have a general conspectus of history, in order that more particular studies of nations or of periods may be seen in something like actual relation with others. We think, however, that quite as important as perspective or proportion are method and training, and a comprehension of the essential character of the study" (pp. 48, 49).

Having laid out this four years' course of study, the report next proceeds to offer suggestions for the treatment of each of the four periods. These suggestions are uniformly practicable, helpful and sound. They reflect correct theory tested by experience. The presentation of the matter of method in instruction is equally good. What is said of textbooks, supplementary reading, written work, occasional tests, notebooks, maps, and the use of a reference library can hardly be improved. The chapter on "Sources" is eminently sane. The idea that boys and girls of tender years can learn history by "investigating sources" is grimly humorous; fortunately its spread was checked in the United States before it had done much harm. This report advocates the use of a limited amount of the material known as "sources," always in connec-

tion with a text-book. Used in this way, the "sources" become simply so much well-selected illustrative material and are of marked assistance in vitalizing the teaching.

Finally, the committee arrive at the topic of college entrance requirements, with the too often attendant examination,—

Monstrum horrendum, informe, ingens, cui lumen ademptum.

What is said here is well said. The wrong of shaping secondary school courses with reference to college needs instead of *vice versa*, the folly of rigidity in college entrance requirements and consequently, too often, in secondary school work, and the importance of revising and improving the examination in history where it still exists, are all pointed out. The scheme of "units" proposed is moderate and practicable.

This report is so excellent that two chapters of it ought to be still better. These are the chapters on the value of historical study and on the need of trained teachers. The former chapter only hints at the influence of historical study in cultivating the imagination and the moral sensibilities, and passes over entirely its great significance in laying the foundations for a true institutionalism, a view of the world which sees at once the place and the limitations of individualism. It fails, also, to lay sufficient emphasis on the immense significance of ideals, individual and national, as revealed by history, always a fruitful lesson for the young pupil especially during the adolescent period. Similarly, the chapter on the need of trained teachers is inadequate. "Some instruction in the methods of teaching" (p. 118) is not enough. Some study of education as a process is required, and also some considerable knowledge of the characteristics of the human mind and character at the volcanic period of adolescence with which the secondary school has to do. It is a false ideal to picture a teacher with a knowledge of history, a knowledge of the books which are the tools of his trade, and "some instruction in the methods of teaching," as a trained teacher. That day has gone by in the elementary schools; it is going by in the secondary schools; it will go by in the colleges.

But the report is worthy of the highest praise. It ought to do a great service to the cause of sound education in America. Every school library, every teacher of history, every superintendent and secondary school principal ought to have it at hand for constant study and reference.

NICHOLAS MURRAY BUTLER.

*The History of Mankind.* By Professor FRIEDRICH RATZEL. Translated from the second German Edition, by A. J. BUTLER. Vol. III. (London and New York: Macmillan and Co. 1898. Pp. xiii, 599.)

THIS third volume completes the translation of Ratzel's comprehensive work. While it admirably supplements our manuals of history it is not a history but a treatise on ethnography. Two maps are given that serve their purpose well, and also emphasize the need of others as well.



as of comparative tables showing the ethnic relationships of the peoples described. The book is embellished with a wealth of drawings and colored plates. The method of treatment, by cultural groups, results in the continual repetition of details, yet the broad view and capacious grasp of its distinguished author redeems the work from becoming a swamp of unrelated facts.

The volume opens with the concluding sections of Book IV., dealing with the Negro Races—throughout, the term "race" is used rather loosely to signify culture group. The tribes designated "Africans of the Interior" include those who have formed states about the sources of the Nile and who occupy the borderland between the true negroes and the peoples of nobler physical type in North Africa. Ratzel emphasizes the physical differences that are found, and ascribes them in great part to admixture of breeds. Uganda is by far the most important and best known of these states. It stands above those adjoining in the development of its military institutions and general culture, but its growth has been retarded by the blight of cruelty that distinguishes these cut-throats and anthropophagists from even the sheer savages of the West Coast. The Waganda are rapidly adopting the customs of foreigners, and perhaps the time is not far distant when Stanley's remark that the Uganda peasant realizes the ideal of happiness after which all men strive, may be accepted as literally true.

The importance of the factor of environment is constantly recognized by Ratzel. This feature of the work is well exemplified in the section devoted to the Negroes of the Upper and Middle Nile Regions. Indeed, the whole belt across the continent between the Bantus and the Mediterranean peoples offers an excellent opportunity to the anthropologist for the study of the relations of race and environment; the range of variation in stature, pigmentation, and even head-form is very great. Only general statements and descriptions are given and further investigation is especially desirable, now that these problems are receiving so much attention in Europe, where migrations and artificial conditions have hopelessly complicated them. The tall, lean Dinkas, who have been compared to the wading-bird of their marshes; the reddish-complexioned inhabitants of the Welle region, the blacks of several districts, the gigantic Fellups and others, the dwarfed Negritos with their round heads, the forest-negroes with a strong tendency to goitre—may be mentioned in this connection and concerning whom we have little more than traveller's tales upon which to base our inductions. The literature relating to the negroes of Western Africa is much more extensive than that on the tribes of the interior. Indeed, it has been considerably increased since the publication of this book. Notwithstanding the long contact with Europeans the negroes of the West Coast are decidedly lower in culture than those of the interior, but on the other hand are physically superior, owing to better food and perhaps also to a greater mingling of blood.

In the introduction to Book V. three sections are devoted to: The Modes of Life among the Races of the Old World: Culture: and The



Nomadism of the Pastoral Races. Nomadism is regarded by our author as an important factor in the development of civilization and a great part of the volume is given up to the consideration of nomadic peoples. The regions of culture form a comparatively narrow zone extending from Europe and the Sahara across southern Asia to the East, though the preponderance in area of the pastoral tribes is, perhaps, recent. A great state-creating power distinguishes the nomad, whose military character enables him to bind together the easily disintegrable sedentary races. Possessing the will and force to rule he yet learns much from his subjects as the Romans learnt from the Greeks and the Germans from the Romans. It is on rich soil and with vigorous labor that culture advances; thus populations grow dense and that is what culture needs for its development and diffusion. Ratzel derives both Egyptian and Chinese culture, at least in their origins, from Mesopotamia, but leaves the question of Accadians and Sumerians to historical enquirers. In the detailed survey of the Cultured Races of Africa separate sections are assigned to Islam, the Red Sea Group of Races, Life in the Nomad Districts of Africa and Arabia, the Abyssinians, the Berbers, the Races of the Sahara, the Soudan and its Peoples, the Fulbes, Fulahs, or Fullahtahs, and the Dark Races of the Western Soudan. Theories regarding the origin and relationships of the Berbers are not offered, but an instructive comparison with the Arabs is presented. This method of treatment is again noticeable in the section upon the Mongols, Tibetans, and Turkic Races, where no speculations are indulged in concerning the admixture of Caucasian blood and little is said about the early migrations of these peoples. The principal centres of culture are described separately and chapters are added upon the History of Civilization in Eastern Asia; the Family, Society, and State, chiefly in China; and Asiatic forms of belief and systems of religion. The concluding forty pages deal with the peoples of Caucasia and the Europeans. The account of the former is very brief, that of the latter scarcely less so though for good reason. Ratzel hesitates to denote these races by the term "historical," for he consistently maintains throughout the work that all races have their task apportioned and it is only in a special sense that we can restrict the term "historical" to Europeans. Here "ethnology lays the pen down for history to take it up."

FRANK RUSSELL.

*The Races of Europe; A Sociological Study.* By WILLIAM Z. RIPLEY, Ph.D., Assistant Professor of Sociology, Massachusetts Institute of Technology, Lecturer on Anthropology at Columbia University. [With a supplementary volume], *A Selected Bibliography of the Anthropology and Ethnology of Europe*, published by the Trustees of the Boston Public Library. (New York: D. Appleton and Co. 1899. Pp. xxxii, 624, 160.)

DR. RIPLEY's book meets a genuine need. For forty years past, diligent anthropological workers in all parts of Europe have been working

at local problems. Measurements and observations have been made upon hundreds of thousands of individuals representing the populations of many and widely scattered districts. These workers were so absorbed in their local problems that they overlooked or failed to grasp general problems. Their conclusions, while often valuable, frequently suffered from the failure to take a broad view. There was great confusion, amounting at times to discord or contradiction, when conclusions of different workers were compared. The data so diligently accumulated were accessible with difficulty, being scattered through government reports, scientific periodicals, and the proceedings of learned societies. The material was difficult of study, as it had been gathered by different systems of examination and measurement, and had been dealt with by differing mathematical methods. The need of the hour was synthesis of these results. This work of synthesis, a difficult and somewhat thankless task, Dr. Ripley has undertaken. He attempts to bring order out of confusion, to combine and harmonize results, to present at one view the acquired facts. The importance and pressing nature of the work appears from the fact that, at about the same time, three workers have attempted it. Ripley in America, Keane in England, and Deniker in France, have just made or are making general statements regarding the Races of Europe. Keane can hardly be called an independent worker in this field; while differing somewhat from the others he has been so much influenced by Ripley's views that he may almost be said to be an expounder of them. Deniker diverges from both and presents a completely independent and notably peculiar scheme.

Our author begins with some preliminary observations. He emphasizes the fact that language, nationality, and race are independent of each other. Loss of clearness and serious error always result from neglect of this fact. The same language may be spoken by peoples of different races and by different nations. A language, developed by a given population in a definite area, may spread beyond its original area, among neighboring populations; or it may shrink until it is spoken by a mere fragment of the people that gave it birth. The boundaries of a nation may be changed by the stroke of a pen or by a single battle, irrespective of the languages spoken or the races represented in the area affected.

Dr. Ripley's study is founded on physical characters. Race types are definite combinations of physical characters, which persist through generations. There are three physical characters which have been most widely studied—head form, color, and stature—and to these three our author gives particular attention. He considers the first of these of the most importance as he believes it to be the least changeable. He discusses each of these fundamental characters in a distinct chapter. Gathering the data regarding each, not only from all parts of Europe but also from the whole world, he discusses them and then presents the facts graphically in shaded maps. Two series of maps are given, one showing the geographical distribution of head form, of color, and of stature, through the world, the other the distribution of the same characters



through Europe. These maps are highly suggestive. Those of Europe present the data in a form likely to be somewhat permanent, as the investigations in that continent have been extensive and careful. While likely to be somewhat changed in detail, the main facts are probably well brought out. The maps of the world are likely—with further study—to be considerably modified.

Having studied these fundamental characters in detail and mapped their geographical distribution, our author proceeds to examine the combinations of these characters which present themselves with such frequency and persistency as to constitute race types. Of these combinations, or race types, he recognizes three. The first of his types has a long head, a long face, light hair, blue eyes, a narrow aquiline nose, and tall stature. The second has a broad or round head, a broad face, light chestnut hair, hazel gray eyes, a variable nose—though rather broad and heavy—a stocky build and medium stature. The third has a long head, long face, dark brown or black hair, dark eyes, a rather broad nose, and a slender frame of medium stature. These three types have been fairly defined by preceding authors but sad confusion exists in regard to their naming. Ripley finally decides upon the names Teutonic, Alpine and Mediterranean, respectively. His Alpine type is the Celtic type of many writers. He makes an elaborate argument against the name Celtic. It seems to us that a somewhat similar argument might lie against the name Teutonic, which is certainly bad.

In thus recognizing and emphasizing three types our author is on delicate ground. In emphasizing them as he does he intentionally refuses to recognize a single white race, of which they may be branches. Boas has already criticized this, complaining that Ripley sees differences clearly, but refuses to see similarities. To this we shall return later. Others may easily criticize Dr. Ripley for not recognizing more than three types. Pursuing the same method of isolating physical characters and then seeking for actual and well-defined combinations of them, Deniker recognizes ten race-types in Europe. Whether or not he is on delicate ground here, Ripley recognizes his three types, defines them, names them, and then traces them throughout Europe.

In a series of chapters he examines the population of different European countries in detail. The titles of these chapters indicate the treatment. They are: France and Belgium; The Basques; The Teutonic Race—Scandinavia and Germany; The Mediterranean Race—Italy, Spain, and Africa; The Alpine Race—Switzerland, The Tyrol and the Netherlands; The British Islands; Russia and the Slavs; The Jews and Semites; Eastern Europe; Western Asia. Nowhere does he find *absolute* purity of race; almost everywhere two, or all three, of the fundamental races come into contact, interpenetrate, cross, or influence one another. Even in Scandinavia, where the Teutonic race is almost alone, and in Lower Italy, where the Mediterranean race is almost sole possessor, there is some admixture. Ripley's own opinion regarding the origin of his three race-types appears to be: that the long-headed brunet Medi-



terranean is an African type, showing some approach to the negro; that the Teutonic is an offshoot from the Mediterranean, locally developed amid peculiar physiographic surroundings; that the broad-headed Alpine type is Asiatic and has moved in like a wedge between the two European populations. Even with his close adherence to his idea of *three* race-types, Ripley shows occasionally a tendency to go beyond them. It is not quite clear what he intends to do with his Cro-Magnon type. Sometimes he almost erects it into a new race. And plainly he is often not quite sure that he has got rid of Deniker's *Adriatic* type. He attributes it to local environmental differences (which he does too with his own Teutonic race) but time and again he is forced to admit its reality. Of course this question of how many types are to be recognized is a fundamental difficulty. In a criticism of Deniker's work, which appears in an appendix to his main discussion, Ripley says—"We must cast about for affinities. Here we touch as it seems to us the tap-root of Deniker's evil. The eye has been blurred by the vision of anthropometric divergences, so that it has failed to notice similarities." This is, almost to the word, Boas's criticism of Ripley himself.

On the title-page Ripley calls his book "A Sociological Study." So far as we have traced it, it has been simple physical anthropology and ethnology. There follow two important chapters devoted to certain social problems. There has been a tendency of late to see in race the explanation of many social phenomena. Lapouge has been a prominent exponent of this tendency. Studies have been made to show the relation between divorce and race, suicide and race, "social stratification" and race, etc. Ripley aims to present the facts, and in so doing appears to largely reduce the importance of race as a factor. He also discusses "urban selection," to see whether the city draws more heavily upon one race than another in Europe. He also examines the "type" of the city and tries to explain how it arises. In a final chapter the author discusses acclimatization and inquires whether European races are qualified to take possession of and colonize distant possessions in other climates. Of his three types the Teutonic is least successful as a colonist, the Mediterranean is most so. The fact has vital import at this moment.

That the book is interesting and highly important must be evident from this brief review of its contents. That it should contain much new material is not to be expected; it is a re-presentation of the work of others, a combination, a harmonization. It possesses, however, features of originality and high importance. The series of maps, shaded according to a definite system, deserves high praise. No one, without actual experience, can realize the amount of care and labor such maps represent. To reduce the teachings of a multitude of measurements and observations to definite form and then to transfer the result, in graphic form, to a map, means a great amount of "dead work." The large series of type portraits, representing the types and races discussed, also demands high praise. To secure abundant illustration of types of one or two well-studied districts would have been a simple task; to secure adequate illus-

tration, symmetrically distributed, of the race-types of all the peoples of Europe and western Asia was a serious labor. Dr. Ripley's series includes upwards of two hundred illustrations and in many cases—the majority perhaps—he is able to present front and profile views of the same individual.

While gladly able to say so much that is good of this important work, we regret Dr. Ripley's frequently obscure, contradictory, or slovenly form of statement. A very few examples will illustrate our meaning. On page 40 we read, "On the other hand the Chinese are conspicuously long-headed," on p. 45, "The Chinese manifest a tendency toward an intermediate type of head form." How can these statements agree? On p. 62, Ripley says, "There are many peoples in Europe who are darker skinned than certain tribes in Asia or the Americas; but there is none in which blondness of hair or eyes occurs to any considerable degree." Surely the meaning of this is obscure. On page 122, the author is speaking of the Teutonic race. In one paragraph he says "The narrow nose seems to be a very constant trait, as much so as the tendency to tall stature," and in the very next paragraph he says, "A distinctive feature of the Teutonic race *which we have not yet mentioned*, is its prominent and narrow nose." (Italics are ours.) These are by no means the best examples we might select; we have taken them quite at random. If they were the only examples they would hardly deserve mention, but the work abounds in them. On p. 80, after referring to varieties of dogs and horses, our author says "these abnormities." Why "abnormities"? Why, on the same page do we have "Terra del Fuego"? These obscure passages and strange misuses of words are the less excusable as Dr. Ripley must have gone over the work several times. His matter has been given as lectures to students, as a course of Lowell Institute lectures, as magazine articles, and now in book form. We might justly expect these blemishes to have disappeared.

To serious students the *Supplement to The Races of Europe* will be almost, or quite as important as the work itself. It is a bibliography of nearly two thousand titles. Its volume might have been easily increased, but it is a "selected" bibliography, including only those works which contain something of original contribution. Anthropological literature is widely scattered; it is largely in foreign languages and much of it in languages but little read by the ordinary student. The importance of a good bibliography in this field cannot be over-stated. Mr. Ripley has done his work well. The body of the bibliography is arranged by authors in alphabetical order. An index follows, wherein the references are given under geographical headings, in chronological order.

FREDERICK STARR.



*The Development of English Thought; A Study in the Economic Interpretation of History.* BY SIMON N. PATTEN, Ph.D., Professor of Political Economy, Wharton School of Finance and Economy, University of Pennsylvania. (New York: The Macmillan Co. 1899. Pp. xxvii, 415.)

DR. PATTEN has written a book stimulating alike to the student of sociology, political science, history, and psychology, for it touches at certain points each of these subjects. To no one, however, will it be more interesting than to the student of history, who will rise from its perusal uncertain whether to be more exasperated by its dogmatic interpretation of familiar historical events and movements than delighted with its insight into the working of historical forces, and its singularly concise and pithy way of saying things. No one can read the work without acquiring added mental strength and new points of view, and whether the reader like it or not, he will probably look at some things in history differently from before.

What Dr. Patten has given us is not so much a history of the development of English thought as it is a theory and law of progress in history, a philosophy of history from psychical and economic standpoints, and a series of speculations upon the environmental conditions that have influenced the development of certain aspects of English philosophic and economic thought from Hobbes to Darwin.

The fundamental thesis of the book is this, that to understand the development of English thought it is necessary to understand the economic conditions that have influenced the thinkers—not only those conditions that have been contemporaneous, but those that have gone before and have shaped the national character. By character Dr. Patten means the motor reactions that have been inherited from past generations, the conservative forces that have never been able to adjust themselves completely at any given time to the rapidly changing environment or economy. This economy Dr. Patten defines as composed of all the objects which modify, through the sensory powers, the old motor-reactions, the definite objects and forces (both tangible and intangible, ideals as well as food supply and national goods), which at a given time are the requisites for survival and which are capable of bringing about readjustment of the organism to its environment. Progress is caused, therefore, says Dr. Patten, by “the interplay of the character-forces in men and the economic-forces in their environment.”

With this as his premise Dr. Patten's object is threefold. First he attempts to give a new classification of society, substituting for upper, middle, and lower classes, for conservatives and liberals, for landlords, capitalists, and laborers, a division based on psychic peculiarities into clingers, sensualists, stalwarts, and mugwumps, a classification, it may be said at once, suggestive and valuable. Secondly he rearranges the stages in the history of thought, placing the economic stage first, the aesthetic second, and the moral and religious stages third and fourth. In this con-



nexion Dr. Patten demands that history be studied in epochs, and that the study of each epoch take into account contemporary economic, aesthetic, moral and religious influences in succession before examining the corresponding influences of an earlier epoch. And finally our author offers a new interpretation of the history of thought. He starts with the premise that "the economic conditions are the primary source from which all elements of the national character arise," that is, that all original motor-reactions were shaped in earlier times in a local environment and a pain economy; and then recognizing the transforming and modifying influences of new environments and new conditions other than economic which have remodelled old types and developed new ones, he finds in this progressive movement the constant recurrence of two intellectual classes, one of which, the philosophers (moralists or prophets, which he later and better calls speculators or thinkers) represents the old types, the other, the economists (whom he later and better calls the observers) standing for the new. To the tendency of the philosopher to become an observer and the observer to become a philosopher Dr. Patten ascribes the forward movement in thought.

The remainder and the greater part of the work treats of the enlargement of these propositions and their application in history. It is impossible in the space here at command to consider even in brief Dr. Patten's conclusions. No student of Continental or English history will fail to study Dr. Patten's book, unless he is hide-bound by the conception that history is mere narrative and that the function of the historian is to state facts and not to interpret them, or is so taken up with his love of method that he has neither time nor inclination to cultivate ideas. He will probably disagree with Dr. Patten over and over again in his conclusions, for the latter makes no attempt to prove his assumptions, and rarely illustrates his generalizations by an appeal to facts. His attitude is that of one who could readily prove his statements if he wished to do so, but who thinks that they are so self-evident that it is not worth while.

But all of Dr. Patten's conclusions are by no means self-evident. I should like to ask Dr. Patten to prove the following statements: that the English owe more of their characteristics to the Shemite than the Greek, and that the Church was shaped by Roman and Shemite ideas only; that all the migrating Germans were lost or blended with all the people they conquered; that the *Völkerwanderung* was actuated by greed only, and not by starvation as well; that the bishops of Rome avoided all theological controversy; that northern Europe before the sixth century was a dreary waste in which "a few half-starved people were huddled in miserable hovels"; that monastic colonies were never under strict rules; that the Church elevated the position of women; that there ever was a German Emperor in the Middle Ages; that the leaders of the Renaissance sought to reform the abuses of the Church; that Calvinism spread only where guilds and clans were dominant; that Germany has had a steady development running through many ages while Europe passed "suddenly from barbarism to social security and prosperity"; that Eng-

lish society before the Reformation was half as bad as he makes it out to be ; that the Puritans were bound to disappear because of their economic shortcomings and died like sheep of consumption ; that the "craze for agricultural improvement" in the eighteenth century was due to the monotony of country life ; that "history has seldom risen above a chronicle of wars and disasters" ; that historians do not know that discontent not poverty causes progress ; and that "all great writers are lazy." Yet we are asked to accept each of these and scores of others on Dr. Patten's *ipse dixit*.

Dr. Patten's book is full of original comments and suggestive interpretations that will be willingly considered by every historical scholar. Two general conclusions, however, present themselves ; first, that Dr. Patten has unconsciously shaped his interpretation of history according to the theory that he has framed, has selected those phases of history and those views on debateable points that were most useful for his purpose, and has too frequently generalized from insufficient data ; and secondly, that in the application of his theory he has narrowed his definition of environment, and has exaggerated the importance of single economic factors, such as woollen clothes, the oven, the bath-tub, wheat, sugar, steady employment and three meals a day, and in so doing has filled his interpretation of history with a spirit of economic and psychic fatalism. In this day and generation, when the historian is beginning to recognize that no great event in history can be traced to a single cause, no matter how important that cause may be, it will not be deemed sufficient to offer such simple explanations as those with which Dr. Patten is content. The historian is not ready to give up the influence of individuals in history and to see his faith, his creed, his ideals, his art, and his literature merely the outcome of an economic surplus, the result of a new invention or of the introduction of a new element in the food supply. And that which is true of the economic interpretation is also true of the psychic ; prayer is more than a motor collapse, praise more than a motor outburst, the truth of doctrines and creeds more than a mere test as to whether a further development of the sensory powers is of greater social value than the further growth of the motor powers. Dr. Patten has given us throughout his work a series of explanations which are frequently sound and true, but which are in reality only a part of the great truth of history. The value of his work lies in the fact that the explanations he advances have never perhaps been so lucidly or convincingly presented before.

CHARLES M. ANDREWS.

*Cosimo de' Medici.* By K. DOROTHEA EWART, late Scholar of Somerville College, Oxford. ["Foreign Statesmen."] (London and New York : The Macmillan Co. 1899. Pp. viii, 240.)

THIS latest volume of the Foreign Statesmen series can hardly be ranked among the best of the collection. There is labor, patience, and, on the whole, a good arrangement of very complex material, but the en-



semble is not entirely satisfactory. In the first place it is to be regretted that the author does not supply either foot-notes or references, that is, that she does not put into the reader's hands anything of the necessary apparatus of criticism. There is indeed a list of authorities tacked apologetically to the end, but it reveals itself on its face as an after-thought and stands in no visible connection with the text. Although I am aware that this practice is the rule with all the books of the series, and therefore not chargeable to the present author, it constitutes so serious a defect and subtracts so substantially from the value of the book for the student of history, that a reviewer is obliged to make mention of the matter.

Probably the responsible editor of the Statesmen series intended to reach with the biographies the larger circle of non-professional readers, and for this reason he preferred that his authors turn out literary rather than historical productions. It is only fair then to adopt the literary point of view towards this book. Here again, however, one's satisfaction is not unbounded. The material is fairly well distributed in chapters, and the facts of each chapter disclose, if no new sources of information, at least care and judgment in handling the old ones, but the treatment as a whole lacks grasp and power. Granted that the undertaking was no easy one: to replace the blur of a great name with a bold literary portrait, accurately defining the Florentine citizen's characteristic modes of speech and action; but why in the face of this task are we offered such paucity of personal material? Occasionally an attempt is made in this kind, in Chapter VI., for instance, in which are enumerated some of Cosimo's striking phrases, every one of them tingling with present life and exhibiting a homely mixture of cynicism and kindly humor that somehow recalls our own Lincoln, but this effort is only a beginning and is not sustained. And now suppose that this chapter had been made a complete record of all the authentic sayings of the great banker and citizen, and suppose further that there had been added thereto all the *personalia* of whatever kind culled from the sculptors, painters, medalists, and memoir-writers of the time—here would have been as the result of a mere compilation a valuable literary portrait! It is curious that people familiar with the fifteenth century do not model themselves in their art a trifle more closely upon Cosimo's great friend, Donatello. To Donatello there was just one way of doing a portrait and that was to get in all the character possible.

The author, like all writers on this period, lays a great deal of stress upon Cosimo's discovery of the principle of the balance of power (Chapter III.). The honor is vindicated for him against all comers with as much warmth as if it were a question of some great natural law like that of gravitation. For myself, I have never been able to see in the great "principle" anything but a convenient diplomatic phrase of the eighteenth century invented to fill up the gap between two pinches of snuff, and I find the conception quite as indefinable politically and diplomatically as the similar phrases of humanity and destiny, current in



our own day. Above all, I have utterly failed to observe that the "principle" sheds any startling light over Cosimo's policy. He wanted peace, he needed allies to get it—that is the history of his foreign relations in a nut-shell. If he could have got a peace alliance which embraced all the five Italian powers instead of merely three, he would in all probability have accepted it without grumbling at the annihilation of the balance of power which such a league would have entailed. It saves trouble to recognize once for all and at the outset that the conduct of every Italian ruler of that day was cheap and shifty and will baffle the attempt to arrange it under any great moral or political concept.

A feature of the book that will be thankfully received is a brief description of the complex Florentine constitution (Chapter I.). Here and elsewhere occasional sentences suffer a little from an access of either mental or grammatical vertigo, and in several places a lawless imagination needs to be subjected to the pruning-knife. Thus on p. 158 we hear of the Radicals misbehaving toward the Democrats in the United States, and on p. 210 we are invited to ponder the art of the Goths and Normans.

FERDINAND SCHWILL.

*Martin Luther, The Hero of the Reformation, 1483-1546.* By HENRY EYSTER JACOBS, Dean and Professor of Systematic Theology, Evangelical Lutheran Seminary, Philadelphia. [Heroes of the Reformation.] (New York: G. P. Putnam's Sons. 1898. Pp. xvi, 454.)

*Philip Melancthon, The Protestant Preceptor of Germany, 1497-1560.* By JAMES WILLIAM RICHARD, D.D., Professor of Homiletics, Lutheran Theological Seminary, Gettysburg. [Same Series.] (New York: G. P. Putnam's Sons. 1898. Pp. xvi, 399.)

THESE two, the initial volumes of the series, set a high standard and give large promise for the remaining volumes. The Luther is richly illustrated with portraits of the leading personages mentioned, some of them rare, as that of Luther from the title-page of the *Babylonian Captivity*, and all interesting,—the best we have, though the doubt will recur whether they afford any idea at all adequate or correct of the faces they represent. Numerous other illustrations of historical and antiquarian interest add to the value of the work.

The story of Luther is not only that of the "Hero" of Protestantism, it is itself a romance. Told most literally and carefully, it can never lose its thrilling power while Protestant hearts continue to throb. It is little praise therefore to this particular telling of the story to say that it is intensely interesting from beginning to end. And when the present writer has little to say by way of mentioning striking peculiarities in the book, this is less to fail to praise this work than to give large praise to the long line of lives of Luther from the beginning to the present day. For this Life it may be fully claimed that it was written from the sources, that it

is truly original and individual in its view of the subject, and that it is faithful and correct. More spice might have been added to it, if the controversial element had been introduced, but something would have been thereby detracted from its simple straightforward truthfulness. Even that bitter calumny which Rome has not ceased to this day to repeat, that Luther died a suicide, is unnoticed, though the minute narration of the death-scene, which is its completest refutation, may have been determined in some respects by it.

The life of Melancthon is conducted on the same general lines, and furnished with the same rich illustrations, as the Luther. It deals with a subject less familiar even to historians. The pure, self-effacing, and truly humble spirit of this peace-loving scholar forms a striking contrast to the more tempestuous spirit of his colleague Luther, and yet they are alike plunged into the most troublous times. How fully the events of Melancthon's life are those of Luther's, determined by the public course of events in which Luther and not Melancthon was the leading force, this book strikingly exhibits, for it is almost as much a life of Luther, while Luther still lives, as of Melancthon himself. In successive chapters it sketches the student preparation of the brilliant youth, then his career in the opening years at Wittenberg, his first attention chiefly paid to the more general field of classical study, but almost immediately absorbed by the overwhelming religious interests of the time in theological study and publication, so that he became the earliest dogmatician of the Reformation, its most prolific writer upon exegesis, and upon a multitude of other subjects, preparing elementary treatises upon the widest range of themes, and thus earning the title "Preceptor of Germany." Soon comes the great service at Augsburg, where Melancthon was the author of the confession, which, read aloud in trumpet tones before Emperor and Empire, became the rallying cry of all Protestantism. Luther remarked upon its irenic character, which he highly approved, that he himself could never "have walked so softly." The painful history of the later years, when, Luther gone, Melancthon was led into various compromises with Catholicism in his efforts to save Protestantism from utter ruin, and the unprofitable controversies that attended his last days, are all faithfully told, with possibly too much detail for the general reader. A great man has been brought before us, and a great epoch, with full and worthy treatment.

As to the chapters upon the "theology" of both Luther and Melancthon, we could wish that Ritschl's own defects and the natural hostility of American Lutherans to his theological tendencies, had not prevented these writers from setting forth that fundamental view of his, in which he was unquestionably right, and which has now been so well elaborated by Kaftan in his *Truth*, that to the original reformers the Reformation was a restoration of spiritual religion over against the formalism of a dead theology which had been divorced from life, and that the Lutheran system, even as sketched finally by Melancthon, was to a degree a falling away from the first and high ideals of the movement.



Our authors have both failed to give a truly genetic and critically correct view of the theology of their subjects from neglect of this principle.

FRANK HUGH FOSTER.

*Geschiedenis van het Nederlandsche Volk.* Door P. J. BLOK. Vierde Deel. (Groningen: J. B. Wolters. 1899. Pp. 496.)

IN his task of setting forth the history of the Netherlandish people, the distinguished professor of Dutch history in the University of Leyden and the instructor in history of Queen Wilhelmina has completed his fourth volume. The period treated covers what many consider the most important events in the national history, the influence of which is still powerful in Dutch politics and social life. Not only do Holland's art and literature still reflect the inheritances from the years 1609-1648, but from personal experiences among groups of Dutch gentlemen, we can bear witness that the controversy between admirers of Barneveld on the one hand and Maurice on the other, is still warm. When to political, religious elements are added to the discussion, it becomes hot.

Dr. Petrus Johannes Blok has certainly, in his judicial poise and calm, inherited the spirit of him whom he calls "my revered master Fruin," but it can hardly be said that the style of the pupil equals that of the teacher. It is not merely a foreigner that must declare that there are manifest proofs of haste and occasional slovenliness of style, but natives find his very frequent use of the present participle a trifle irritating. Such an innovation in Dutch is not as pleasing as is the regular use of this form in French and English. This said, however, we heartily add our tribute of admiration for the admirable manner in which, as if scathless in an ordeal, he threads his way safely between and amid the hot ploughshares of religio-political strife. Standing above parties and factions, with admirable insight and breadth of view, he gives us his luminous judgments as to persons and things, causes and consequences. The *Oranje-klants* and Calvinistic dogma-makers on the one hand and the hide-bound and bigoted "Liberals" on the other will hardly praise Dr. Blok for his utter lack of partisanship. Sometimes one would prefer a less close adherence to the synthetic method and, for enjoyment in reading and for fortification of one's own convictions, a little more of the "virtuous partisanship" of Macaulay or Motley or even Fruin, who call the execution of Barneveld a "judicial murder" (*een gerechtelijken moord*). Nevertheless judicial candor is the author's first aim, and his treatment of the bloody episode of 1619 is worth a mountain of what has been penned in late years by writers who are, first of all, partisans. To show, however, that our longing for more color and animus is not unreasonable, we may note that Dr. Blok's consistency in desire for fairness of judgment and possible fear of being charged with partisanship, becomes at times inconsistency. In our day and time the action of Prince Maurice in repeatedly trampling on law and justice would be called a *coup d'état*, and yet, on page 203, we find the author telling us that he "acted in all good faith" (*in alle goede trouw handelend*).



It is like turning from black night to the splendors of rosy dawn and the movement of light toward high noon, to enter into the brilliant period of Prince Henry, "our golden era" as the Dutch love to call it. Here the author is as happy as he makes his readers, and his masterly chapters deserve to be read and re-read. Besides his lively pictures of home life, of war, of peace, of art and social improvement, we have a sketch of trade and commerce with the East which seems especially timely. One cannot dismiss this volume without especial notice and commendation of the chapter, or rather elaborate essay on the sources of Dutch history for the period, 1559-1648. We know of nothing so full and so illuminating. With equal fairness and apparent grasp of the material in whole and in part, Dr. Blok presents the national Dutch, the Spanish, the Catholic Dutch, and the opposing sides in Netherlandish history. Dr. Blok, being still on the sunny side of life's meridian, may be able to finish the great work marked out by himself, which we sincerely hope.

*Mémoires du Temps de Louis XIV.*, par DU CAUSE DE NAZELLE

Publiés avec une Introduction et des Notes par ERNEST DAUDET.  
(Paris: E. Plon, Nourrit et Cie. 1899. Pp. xxviii, 269.)

THE alleged author of these *Mémoires* was an officer whose only claim upon the attention of posterity is that he revealed to Louvois an obscure conspiracy which two or three desperate noblemen, including a Rohan, concocted against Louis XIV. in 1674. Although this conspiracy has been better known than some others which belong to the same reign, its precise objects are still not fully understood. M. Daudet has in an appendix summarized the evidence which may be gathered from the records of the trial preserved in the French archives, but there is room for a difference of opinion upon the value of certain confessions, notably those of the Dutch schoolmaster, Vanden Enden, a spy in the service of the Spanish government, who, with the Sieur de Latréaumont, was the originator of the plot. The main purpose was to create a disturbance in Normandy, during which the Spaniards were to take possession of Quilleboeuf. Vanden Enden personally, according to his own story, sought in this way to do Holland's enemy all the harm he could. Latréaumont, a bankrupt adventurer, hungered for spoil; and possibly it was spoil also, and revenge, which Louis de Rohan chiefly desired, although his fellow-conspirators dazzled him with promises of a restored Duchy of Brittany. Added to this there was talk of organizing a republic in Normandy, for which the Dutch pedagogue had sketched some laws, with the expectation that all Frenchmen would hastily abandon the structure reared by the centuries and adopt in exchange the devices of such a pitiable group of schemers. M. Daudet seems to lay undue stress upon these things, which served to adorn an enterprise the most practical aim of which was to procure sufficient supplies of Spanish gold to repair two or three disordered fortunes.

The *Mémoires* of Du Cause add little to the story of the affair, even if what they do contain is trustworthy. The writer composed his work more than forty years after the event, a fact which M. Daudet does not seem to have noted, for he says they were written "plusieurs années après." The tone of the author's *avertissement* would lead one to bring the date of composition still further down in the eighteenth century, but an interval of forty years is enough to dim a man's recollections. Moreover, judging from the account in the *Mémoires* themselves, Du Cause knew little about the conspiracy except what he was able to overhear of a single interview between Vanden Enden and Latréaumont, important portions of which were inaudible to him. His account is, therefore, largely drawn from his conversations after the dénouement. When he pretends to tell what was said by the Prince of Condé, Marshal Villeroy, and M. Le Tellier at a secret meeting with Louis XIV., and explains how all this conflicting advice agitated the King's spirit, one wonders what avenues of information he possessed, so that he could speak with authority where the ordinary observer could go no further than a conjecture. M. Daudet has compared his testimony at the trial, covering his connection with the case, with what he relates in the *Mémoires*, and has found the two in complete agreement. This should strengthen one's confidence in other parts of the narrative.

It is unfortunate that M. Daudet has not given the history of the manuscript, so that the reader might be guarded against the suspicion that it originated in the fertile brain of some eighteenth-century lawyer, whose inventiveness was provoked by the possibilities of the tale. The case long attracted legal minds, for as late as 1735 an important collection of the documents was made by MM. de Chavannes and Berryer. The manuscript of the *Mémoires*, it also appears, was in the archives of one whose ancestors belonged to the old French magistracy. And this is all that M. Daudet tells us of its history.

M. Daudet thinks the more highly of Du Cause's veracity because of the frankness with which he speaks of his own misdeeds. But even if the relation of his own villanies is a work of piety, because it shows how humble an instrument Providence chose to save the Great King, what is to be thought of a man who in the calmer light of old age would blacken his mother's reputation by irrelevant details of her wickedness?

As a simple tale the book is successful. Its narrative, which goes straight on from one incident to another, and is well put together, steadily gains in interest, until toward the end the reader is a little wearied by the importance Du Cause gives himself because he revealed this curious conspiracy. He now has a grievance and ceases to be entertaining.

HENRY E. BOURNE.



*La Guerre de Sept Ans: Histoire Diplomatique et Militaire.* Par RICHARD WADDINGTON. Tome I. Les Débuts. (Paris: Firmin-Didot et Cie. 1899. Pp. iii, 755.)

Two years ago the author of this work described in his *Louis XV. et le Renversement des Alliances* the diplomatic struggle which preluded the Seven Years' War. He now begins the narrative of the war itself with an account of the conflicts in the cabinet and on the field from August 26, 1756, when Frederick set his troops in motion toward the Saxon frontier, until the disastrous defeat of Leuthen in December of the next year had ruined the Austrian army. This period he rightly regards as highly interesting, because of the skill with which the game of war and of diplomacy was sometimes played, and, even when there was bungling, because of the tremendous stakes that were ventured. His excuse for again going over ground so often traversed is that it has not been examined with such detail by any French historian, and that he has found much unutilized material, particularly in the Newcastle Papers in the British Museum, which until recently were not accessible, and in the correspondence of Kaunitz and Stahremberg. With the aid of this material he has been able to make much plainer the course of the negotiations which ended in the secret treaty of Versailles, May 1, 1757, the scheme for the neutralization of Hanover, and the Convention of Closter Seven. His descriptions of the principal battles of the two campaigns are sufficiently clear and full, but they are of secondary interest in a work like this.

M. Waddington could have given greater compactness and unity to his treatment of the subject had he occasionally summed up or sketched despatches of diplomats or soldiers which he quotes at length. He has by this method of extended quotation forced upon the reader work of analysis and characterization which it was his own business to accomplish. And yet such a method is not without advantages. The reader is brought so close to the sources of information that he is in a measure able to control the author's judgments.

M. Waddington regards Frederick's refusal to compromise with the Elector of Saxony at the outset as a serious blunder, because the Saxon army, though badly provisioned, was formidable enough to delay him until the season was so advanced that a campaign in Bohemia was out of the question. It would have been fortunate for him had the Elector, who was also King of Poland, retired into Bohemia, according to his first plan. Frederick's oppressions in Saxony made a bad impression in Paris and galvanized into a semblance of life the already dying enthusiasm for the Austrian alliance.

In some respects the best-worked-out story of diplomatic success is the account of Stahremberg's efforts to embody in the secret treaty of Versailles a programme which pledged France to a leading part in the purely Austrian attempt to ruin Frederick. As M. Waddington sums it up, Stahremberg had procured heavy subsidies for the whole period of the war, while all notion of reimbursement was abandoned; and he had made the cessions of territory in the Low Countries contingent "non au re-



couvrement de Silésie et du comté de Glatz, comme l'avait accepté en dernier lieu l'Impératrice, mais bien à l'entrée en jouissance de toutes les conquêtes que revendiquait l'Autriche." And all this had been gained in spite of the demands which the struggle in India and America already made upon the French resources and in spite of the French desire to operate mainly on the lower Rhine or against Hanover.

Another incident which M. Waddington has set in a clearer light than previous discussions, particularly those of the English historians, have given it, is the Convention of Closter Seven. For this purpose he has made a large use of the Newcastle Papers. The Convention was signed September 8, 1757, by Cumberland, the commander of the Hanoverian army, as the only means of saving his troops from capture by the Duc de Richelieu. Although its terms were humiliating to Hanover, to George II., the King-Elector, and to England—how humiliating may be guessed from Horace Walpole's exclamation, "Believe me, it is comfortable to have an island to hide one's head in"—M. Waddington declares that Cumberland simply carried out his father's explicit directions. This conception of the affair is not a new one, for contemporary observers suspected the same thing; and yet it is possible to see from the documents and correspondence which the author quotes so extensively that the case against the old King is not quite so strong, and that Pitt touched the very sources of the blundering when the enraged George denied that he had given orders for such a treaty, and Pitt deprecatingly replied, "But full powers, sir; very full powers."

To prove his thesis M. Waddington carefully describes the directions George sent August 11 to Cumberland under the impression of the defeat of Hastenbeck and the rapid retreat of the army upon Stade. It is clear that Cumberland had full powers, and that George bound himself "tenir ferme et stable, . . . exécuter ponctuellement tout ce que le dit notre très cher fils aura stipulé, promis et signé en vertu du présent pouvoir," etc., etc. But would not the King's surprise at the extraordinary use Cumberland made of these powers have been natural in a person less shifty even than this old monarch? For, what in his mind was the controlling purpose of the whole negotiation? In the first supplementary note he says that he is sure Cumberland "ne fera de cette autorisation que tel usage qui aboutisse au salut de mes états et de mon armée," and in the third he repeats that he has taken such action "afin que tous ces pays [Hanover and its West-German allies] soient soulagées et les troupes conservées." He had a just reason to be angry then when he found that Cumberland had signed an agreement which did not accomplish half of the object of the negotiation. Nothing was said in the Convention about the treatment Hanover was to receive and M. Waddington himself describes fully the manner in which it was "bled pale." The Duc de Richelieu was so anxious to enrich himself that he winked at pillage by subordinates and the soldiers, who gaily called him "le Père Maraude," and the mansion he built in Paris with a portion of the spoil was fittingly nicknamed "Pavillon du Hanovre."

But this was not the King's only excuse. His instructions reveal irresolution aggravated by panic. He wants from his son further light on the situation, and asks that no agreement be signed until full powers to sign have reached Richelieu from France. On the sixteenth he also said that the negotiation should not be terminated until word had been received from Vienna in regard to his overtures for a separate peace. Here was evidently a desire to enjoy some of the benefits of an armistice, and at the same time to avoid paying the bitter price if some victory of Frederick's should turn the luck, or overtures from Vienna should change the face of affairs. Cumberland, feeling the burden of a desperate situation, could not penetrate his father's mood and failed to realize his father's hopes. M. Waddington is not quite fair in so unqualifiedly charging the King with duplicity because he denied ordering such a Convention as that of Closter Seven.

In his first account of the affair M. Waddington leaves the impression that it was the untrustworthiness of British promises which rendered the agreement worthless from the beginning. But it is evident that if the King and his advisers only waited for an opportunity to extricate themselves from their embarrassment by taking advantage of the strange omission of a time-limit in the terms of the Convention, the French court sought to accomplish the same result by interpreting the articles. The author relates that Richelieu told General Donop that the Hessians should lay down their arms as soon as they should arrive in their own country. This bit of information brought the Hessian contingent to a sudden halt. Furthermore, the reservations with which Bernis consented to the Convention were largely responsible, as M. Waddington later remarks in his judgment upon Richelieu, for the rupture.

M. Waddington gives one chapter to the war between the French and English in America, but he says nothing of the struggle in India, which he will doubtless describe in connection with its later and more decisive phases. In his list of books on this campaign he mentions none of the recent works except Kingsford's *History of Canada* and Parkman's *Montcalm and Wolfe*. His own account is, on the whole, satisfactory, although in certain matters of detail he does scant justice to the English side. For example, he speaks of Bradstreet's fight with M. de Villiers as a "combat indécis." A note explains that both French and English claimed the victory, and adds, to throw discredit on the English claim, that their losses were the heavier. But the English were fired upon from an ambuscade while in their boats proceeding unsuspectingly up the river a few miles from Oswego. When they succeeded in reaching their enemies the fortunes of the fight seemed never to have left their side, and the French were decisively repulsed.

Again in the attack on Oswego he regards the abandonment of Fort Ontario as premature because the French had not yet armed their batteries. But the fort was constructed of stakes or beams driven into the ground, a good defence against small arms and swivel guns, but worse than useless against cannon. And Colonel Mercer feared that if he



waited until the French heavy guns opened, the walls would be knocked to splinters, and he would lose both fort and garrison.

In his account of the unsuccessful defence of Fort William Henry, M. Waddington fails to do full justice to the gallant efforts of the defenders. He gives the impression that the display of the white flag was sudden and without sufficient reason. His eyes are too closely fixed upon Montcalm's skilful approaches to note the struggles and sufferings of the garrison. In describing the massacre which followed he minimizes the loss of life, even seriously quoting the ridiculous estimate of Vaudreuil of five or six as a possibility, though lending more weight to the opinions of Lévis and Père Roubaud, who were agreed that fifty were killed. Perhaps this is not too much partiality to expect of even so scholarly a French writer. The spirit of the narrative is studiously fair throughout.

It is unfortunate that a book so rich in material is not provided with a detailed table of contents, to say nothing of an index. The table of contents occupies half a page.

HENRY E. BOURNE.

*Mémoires du Comte de Moré* (1758-1837). Publiés pour la Société d'Histoire Contemporaine par M. GEOFFROY DE GRANDMAISON et le Comte de PONTGIBAUD. (Paris: Alphonse Picard et Fils. 1898. Pp. 343.)

CHARLES-ALBERT DE MORÉ DE PONTGIBAUD, afterwards the Comte de Moré, was born April 21, 1758. He was the second son of the Comte de Pontgibaud, whose estates were in Auvergne. In 1773 he went to live in Paris, where he at once gave himself up to such a life of dissipation that his family became alarmed lest they should be scandalized. Accordingly they decided to have him imprisoned and procured a *lettre de cachet* for the purpose, ordering him to be confined in the castle or *donjon* of Pierre-en-Cize. This was in 1775. In the autumn of 1777 he dug his way through the ten-foot wall of his cell and made his escape. Through a neighbor he announced this to his father. Having learned that Lafayette and other Frenchmen had gone to help the Americans against the British, he proposed to his father through the same messenger to try the fortunes of war in America. His father consented and granted him a pension, and ere long the young man was crossing the Atlantic.

His vessel was wrecked in Chesapeake Bay and plundered by pirates and he himself left destitute. He made his way to Williamsburg, and saw Governor Jefferson, who gave him a passport, with which he set out to find the army. He presented himself to Lafayette, who made him an *aide-de-camp*. He seems to have been constantly with Lafayette from that time forth.

His first battle was the battle of Monmouth. Of Lee's retreat he says: "I was present at that affair, when M. de Lafayette was under the orders of Lee. We were beaten completely; our soldiers fled in the



most beautiful disorder ; we were never able to rally them, nor to make as many as thirty men stop ; and, as is usual, the general who commanded was accused of treason." The author of the *Mémoires* speaks rather briefly of the operations of the army about New York, but he gives in considerable detail the story of Arnold and André. He tells us that he was present with Colonel Hamilton when the latter examined the prisoner who proved to be Major André.

A feature of the siege of Newport is thus described : "Scarcely had the troops of the line disembarked when the militia arrived to the number, I believe, of ten thousand men, as well on foot as on horseback. I have never seen a more comical spectacle." He proceeds to describe them, then he adds : "I judged that these warriors did not come to see the enemy too near, but to help us to eat our provisions ; I was not deceived ; the latter disappeared with rapidity."

When Lafayette returned to France after the raising of the siege of Newport, the Comte de Moré (to call him by a title he did not yet bear) went with him. He likewise returned to America with him, and remained with the army until the surrender of Cornwallis.

In 1793, an exile from France and without means, the count learned one day that the American government proposed to pay its debts. He came to America at once, and received for his services, including interest, fifty thousand francs. The account of this visit is among the most interesting portion of the memoirs. The count met here many noted French refugees, and he also conversed with American statesmen.

The count's view of the French Revolution was rather a melancholy one. He had little sympathy for the revolutionists, but clung to the last to the old order. He was urged to join his former brothers in arms and serve under Lafayette, but he refused. "It has been well said," he remarks, "that the most difficult thing is not to do one's duty, but to know it. I have done mine because I knew it. . . . I believed that I should put myself on the side of the monarchy by emigrating."

These memoirs are written in a style that is straightforward and without flourish, but they are almost always interesting because the count was during much of his life in the midst of stirring events. The *mémoires* proper end with 1814. The volume contains, besides, fifty-one letters of the count, written during the years 1815-1832. There are five engravings in the volume, among them a portrait of the count himself. There are numerous footnotes by the editors, chiefly biographical of persons mentioned in the text. A translation of the memoirs, under the title *A French Volunteer of the War of Independence*, was published in 1898. It should be said also that the French was printed in 1828, but (Honoré de Balzac having been the printer) that edition is now very rare.

EDMUND C. BURNETT.

*Throne-Makers.* By WILLIAM ROSCOE THAYER. (Boston and New York: Houghton, Mifflin and Co. 1899. Pp. viii, 329.)

THIS volume by the accomplished author of *The Dawn of Italian Independence* contains a series of brilliant biographical studies. These are eight in number. The first four are grouped by themselves under the title of the book, "Throne-Makers," and comprise essays upon Bismarck, Napoleon III., Kossuth and Garibaldi. The last quartette consists of Carlyle, Tintoret, Bruno and Bryant; and, as these men were anything but throne-makers, the author introduces them under the sub-title "Portraits." In the first four essays the biographical motive predominates. The man is depicted in action. The other four subjects are rather made the texts for philosophical reflections upon art, literature and life.

These essays are singularly even in merit. The subjects chosen are universally interesting; the description is vivid, the analysis keen, the style terse and eloquent, the whole work dramatic in effect yet without a sacrifice of sanity and thoughtfulness. From cover to cover there is a succession of striking often luminous generalizations which make these essays good models of their kind, compact with thought, wide in range of comparison, and replete with intellectual stimulus for the reader.

It seems to me that the author strikes but one false note in the whole work, and that is a fortunately infrequent note of querulousness toward the days in which he lives. This discordant note jars a little in the author's somewhat forced reference to the recent events in the Philippines and in such barbed complaints as this: "In a time like our own, when literature on either side of the Atlantic lacks original energy; when the best minds are busy with criticism rather than with creation; when ephemeral story-tellers and spineless disciples of culture pass for masters, and sincere but uninspired scholars have our respect but move us not," etc.

Mr. Thayer advances no novel thesis about any of his subjects. He combats no historical judgment. Bismarck is, as usual, the mighty Titan, Thor reincarnated; Kossuth and Garibaldi are heroes of a noble patriotic emotion; Louis Napoleon is the adroit unscrupulous intriguer; Carlyle, the historian of human nature; Tintoret, the artist of rare originality and power; Bruno, the martyr of rationalism, and Bryant the lover of nature, who sometimes sang and always preached. Nevertheless these verdicts which have long been incorporated in the common opinion of our time are here set forth with such skill in narration and with such pungency of comment that there is not a dull page in the book.

He compares for instance the individualism of the Yankee society with the mechanical precision of the German civilization. "That Prussian system takes a turnip-fed peasant, and in a few months makes of him a military weapon, the length of whose stride is prescribed in centimeters—a machine which presents arms to a passing lieutenant with as much gravity and precision as if the fate of Prussia hinged on that special act. It takes the average tradesman's son, puts him into the educational mill,



and brings him out a professor,—equipped even to the spectacles,—a nonpareil of knowledge, who fastens on some subject great or small, timely or remote, with the dispassionate persistence of a leech; and who, after many years, revolutionizes our theory of Greek roots, or microbes, or of religion." Bryant, he says, "came at the end of that metrical drought which lasted from Milton's death to Burns, when the instinct for writing musical iambics was lost, and instead men wrote in measured thuds, by rule." In the essay on Carlyle, perhaps the strongest and most thoughtful in the book, the author pays his respects to a certain type of historians whose work he photographs thus: "the collection of manuscripts, the cataloguing of documents, the shoveling all together in thick volumes prefaced by forty pages of bibliography, each paragraph floating on a deep, viscous stream of notes, each volume bulging with a score of appendices—this is in no high sense history, but the accumulation of material therefor."

Perhaps any title will do for a book of essays, yet it is difficult to see why this one, "Throne-Makers," was chosen. The author himself restricts it to the first quartette of subjects only, but of these four Kossuth might almost rise from his grave to reject the name of "Throne-Maker." Louis Napoléon tried to make a throne and failed, while Garibaldi may scarcely be allowed to take any laurels from Cavour. Neither would Garibaldi's ambition to bear such a title be much greater than that of Kossuth. It would be a strange classification that would really rank the sublimated Junker with two Republicans and a Jesuitical adventurer.

CHARLES H. LEVERMORE.

*Russia in Asia; A Record and a Study, 1558-1899.* By ALEXIS KRAUSSE. (New York: Henry Holt and Co. 1899. Pp. xii, 411.)

WE open this volume with some eagerness. An account of the progress of Russia in Asia, with maps and an appendix of official documents, is opportune at the present time. The author declares, too, in his preface that "in criticizing the rival policies of Russia and England my endeavor has been to present the clear and impartial deduction that a careful study of those policies yields," which sounds promising. He also assures us that he has used more than two hundred authorities, Russian as well as English, although it is hard to understand how any one familiar with Russian can be so careless in his transcription as to write repeatedly *tchinovnik* for *tchinovnik* and to employ for the same termination of proper names *-of*, *-off* and *-ov* indiscriminately. Our disappointment, however, begins at about the end of the first page; by the time we get to the last, with its climax of abuse, our feeling is not far from disgust. "Greed of empire," "Muscovite yoke," "career of intrigue," "the ever forward movement of Russian exploitation," "the desire to invade other countries or despoil their rulers," "the swashbuckling attitude of the Great White Tsar," "the Muscovite octopus," "the

code of morals that should cramp her action does not exist," etc., etc., etc.—the book is merely one long diatribe, as violent as Marvin or Vambéry and reminding us of foolish literature in other countries about "insatiable British greed" and "perfidious Albion." The strangest thing is that the writer talks in such a lofty manner about Russophobes as to suggest that he does not suspect he could be taken for one himself, whereas his obvious prejudice deprives his opinion of almost all value. There is not one of his chapters that is historically impartial, and hardly a single description of important events that is not open to cavil. It would take a volume as long as his own to answer him in detail.

The fundamental error of so many, and particularly of English, works that treat on Russian policy and expansion is to regard them as something mysterious, nay, almost devilish. Many people can not be brought to admit that Russians are men much like others, with the motives that are common to humanity, and using means chiefly determined by their circumstances. We may grant that the extension of their empire has been great and rapid, even if not so much so as in the case of Great Britain, that their foreign policy has shown more continuity than we find in some other nations, that their diplomats have often been clever and not over-scrupulous, that the story of their expansion has been stained by more than one act of unjustifiable aggression, or of heartless cruelty, while their rule has brought some curses as well as blessings in its train. There is nothing unique in any of these phenomena. It should not be difficult to see that the great extension of Russia to the eastward has been due chiefly to her having had a huge thinly-settled territory beyond her borders, any more than it is to understand the advantages for colonization presented by the insular position of Great Britain. The conquest of Siberia came about by the same sort of inevitable process as our own "winning of the west"; the subjugation of the Caucasus and Central Asia was not unlike the history of English extension in India and every whit as justifiable, however much we may find to criticize in detail. It is also as natural and legitimate for Russia to desire a port on the Persian Gulf as it is for Great Britain to want Delagoa Bay or an outlet on the Lynn Canal. As for deceitful declarations, even if we choose to call the present occupation of Egypt an inestimable blessing to the inhabitants and a benefit to civilization, the fact remains that, in breaking her promise to leave, England has been guilty of as flagrant a violation of her pledged word as any that has been charged to the Muscovite. When we come to the morality of the designs of the different European powers toward China no one can afford to throw many stones at its neighbors. We in the United States, if we have been taught nothing else in the last three years, have, it is to be hoped, learned to be a little less prompt in adopting the "holier than thou" attitude, perhaps the most irritating fault of the Anglo-Saxon race.

To give a few instances of Mr. Krausse's inaccuracy, he tells us that in Asiatic Russia "the railways which have of late years been pushed with such feverish haste, are nowhere schemed with the view to the development of the resources of the countries they traverse," a statement it



is needless to criticize. We read that "Siberia, bleak and bare, offers small temptation as a field for emigration" [*sic*], and we wonder if the writer knows that, rather to the alarm of the authorities at St. Petersburg, Siberia already receives some two hundred thousand immigrants a year, that new regions are being opened up with American rapidity, and that the development of the immense mineral resources has but just begun. Or again, in order to prove a fixed policy of aggression on her part, we are informed that "European Russia is physically one of the most self-contained countries in the world. Her boundaries are marked out on every side by natural barriers or by racial lines." The truth is that on the east European Russia is bounded by the Urals, which, far from being "a line of demarcation in every sense complete," are in much of their extent rambling low hills or gently rising ground not even of sufficient importance for administrative divisions; on the west the frontiers with Germany and Austria are absolutely artificial, hardly in the smallest degree physical or racial. Finally, neglecting such statements as that the Ameer "can not understand why Russia should advance year by year with unvarying success, while England remains within her ancient limits," when almost the reverse has been the case since 1885 (part of Beluchistan, Tchital, etc.), it is worth while to quote two sentences which express a view often held by those who ought to know better. "Russia with her surplus of land and her paucity of people, her undeveloped wealth and her exhausted budget, is ever agog for more territory, the acquisition of which will still further impoverish what she has, and deplete her resources beyond their present limit. Great Britain, with every inducement to forge ahead, refrains from conquest and restricts her efforts to the further development of what she owns, resting content with the mission she has set herself, to benefit the people over whom it is her destiny to rule." By way of comment here are the areas in square miles of the two empires, as given by the *Statesman's Year-Book* at three dates in the last thirty-five years:

	Russian.	British.
1864,	7,612,874	3,440,628
1881,	8,238,771	8,694,071
	(not including Khiva and Bokhara)	
1899,	8,660,395	11,712,170
	(not including Khiva and Bokhara)	(not including Oman or Egypt).

To borrow once more from Mr. Krausse, "I leave it to those of my younger readers who may delight in mental arithmetic, to discover how long it would take, supposing Russia continues to absorb territory at her present rate, for her to become mistress of the world."

ARCHIBALD CARV COOLIDGE.

*Rāmakrishna, His Life and Sayings.* By the Right Hon. F. MAX MÜLLER, K.M. (New York: Charles Scribner's Sons. 1899. Pp. x, 200.)

THE readers of this REVIEW will remember Vivekananda, the Brahman ascetic and apostle of advanced Hinduism, who appeared in America at

the Parliament of Religions, during the summer of the exposition in 1893. During a prolonged stay in England and America his teachings attracted no little attention. He presented himself as a wandering teacher of the Hindu philosophy, or better, religion of the Vedānta, which is the highest outcome of pure Brahmanism. The fundamental concept of this religion is that there can be one reality only. Brahma, "god," is absolute, infinite, all-pervasive; there is no real thing but God. The entire phenomenal world is *māyā*, "illusion," wrongly conceived by *avidyā*, "nescience." Hence the real self, or soul of man is itself Brahma or Ātman, the all-soul. The soul of man craves not so much an approach to, or union with Brahma, as simply a return to its own true being, a recognition of its full and undivided Brahmanhood. When the human soul has recovered its Brahmanhood it becomes what it always has been and always will be, the Ātman, the highest self in all its glory, freed from the clouds of appearances, freed from individuality, personality, and the delusive phenomenal world.

This, briefly, is the scheme of Brahmanical salvation. If we ask how it may be accomplished the Vedāntic answer is, by knowledge and devotion. Since the phenomenal world is an illusion, there can be no true knowledge of, and indeed no true devotion to, anything beside the supreme all-spirit. Knowledge that perceives its essence, devotion that reciprocates the supreme loving will, they work the unobscured godhood of the individual soul. In order to better separate themselves from the deceptive outer world the Hindu devotees resort to the so-called *yoga*, i. e., ascetic exercises, control of breath, concentration of sight upon a single point; by these means they have learned to put themselves into a faint or trance (*samādhi*), lasting sometimes an appalling length of time. Such devotees by their ascetic acts, their fervid piety, and their ecstatic sayings continue in our day to exercise a powerful influence both upon philosophers and the masses of the people. In very rare cases a kind of canonization by public opinion takes place. They are then recognized as saints or Paramahansa, "supreme light"; their close approximation to absolute Brahmanhood is implied. In the past fifty years four ascetics were thus sought out and honored by the people for the sanctifying influence of their character and example. Now Rāmakrishna became a Paramahansa and Vivekananda is his disciple.

To Vivekananda Professor Max Müller owes in the first instance the collection of this latter-day saint's scattered sayings. In addition to the sayings themselves Müller has added a sketch of Ramakrishna's life, and an analysis of the essentials of Vedānta philosophy, both written with his wonted charm and skill of presentation. As a whole the little book marks one of the summit points of recent scientific religious literature. Müller's penetrating insight into the broad facts of Hindu intellectual history is coupled in this instance with all the just criticism needed for a true valuation of Rāmakrishna's personality and teaching. A Hindu John Tauler or Thomas à Kempis is what we have before us, a man consumed with the passion for God. His strenuous



efforts to realize the Divine in himself lead on a strangely exact parallel line to the mysticism of the European "friends of God," but that the man is genuine, that his thoughts and teachings have searched out some of the innermost recesses of religious consciousness no one will doubt after reading the book. "As a lamp does not burn without oil, so a man cannot live without God," this is the key-note. And the Vedantic road of reaching the knowledge of the "True" by devotion to it and forgetfulness of the world is pointed out with every resource of argument and wise saw: "She who has a king for her lover will not accept the homage of a street beggar. So the soul that has once found favor in the sight of the Lord does not want the paltry things of this world." Mystic that he is, Rāmakrishna is at the same time a man of the people; his sayings often have a homely, almost drastic flavor: "Man is like a pillow-case. The color of one may be red, another blue, another black, but all contain the same cotton. So it is with man—one is beautiful, one is black, another is holy, a fourth wicked, but the Divine dwells in them all." Above everything what shall we say of the liberality of mind of this dark-skinned teacher of Bengal who accepts the utmost consequences of his own belief in the Divine unity? Every man, he says, should follow his own religion. A Christian should follow Christianity, and so on. For the Hindu the ancient path of the Aryan poet-sages is the best: "It is one and the same Avatāra (divine descent) that, having plunged into the ocean of life, rises up in one place and is known as Krishna, and diving again rises in another place and is known as Christ." The past of India, not at all inglorious, may yet be followed by a more glorious future.

MAURICE BLOOMFIELD.

*The Growth of Cities in the Nineteenth Century; A Study in Statistics.* By ADNA FERRIN WEBER, Ph.D. [Columbia University Studies in History, Economics and Public Law, Vol. XI.] (New York: The Macmillan Co. 1899. Pp. xvi, 495.)

THE work which has resulted in this book began in Berlin, where Mr. Weber was studying on the Andrew D. White Fellowship, and was prosecuted for months with the aid of the wealth of material in the library of the Prussian Statistical Bureau. Later the study was presented in this country as a doctor's thesis and has been amplified and somewhat popularized for a wider public. Its theme is, first, the dependence of the growth of cities, *i. e.*, compact groups of homes and work-places, upon the industrial organization and the occupations of the people (p. 314), secondly, a statement of such characteristics of city populations and city growth as have been statistically measured, and, thirdly, a discussion of the causes and effects of such concentration of population.

The book may be dissected into two main parts, that intended for the specialist and predominantly statistical, and that intended for the general reader and less bristling with figures. The latter includes a

chapter on the causes of the growth of cities (III.), another on the effects (VIII.), and a final chapter on tendencies and remedies, in all nearly a third of the volume.

The method applied, especially to the first and second topics, is the statistical, and in the care and skill with which it is used and in the wide sweep of the figures embracing nearly all civilized countries lie the main merits of the work. The theme is a familiar, not to say a hackneyed one, but never before, at least in English, have methods of comparison and statistical induction been so systematically applied to it. Even in the simplest subjects, the field of international statistical comparisons is strewn with pitfalls wherein many an unwary novice has fallen. Most painstaking efforts and constant alertness are needed to avoid unsound inferences. In this book the necessary pains have been bestowed. Thus my eye looking at random over the pages lights upon a table (p. 266) showing for certain classes of cities in Austria, Germany, Scotland and the United States the proportions of the people born in the city, immediately about it, elsewhere in the country, or abroad. It is explained in a footnote that the immediately surrounding country comprises the *Gebietstheile* (provinces, etc.) in Germany, the *Land* or province in Austria, the native county or border counties in Scotland, the state or commonwealth in America. Work done after such a fashion will not need to be repeated. The thoroughness and breadth of its statistical method then deserve ungrudging praise.

In a study such as that of Dr. Weber, and in nearly all statistical work, the definition of fundamental terms is of primary importance. What is a city? Not a place surrounded by walls, for few cities now have walls. Not a place holding a special charter of incorporation, for this varies with local custom. Not a place calling itself a city, for the word in local use has no fixed meaning. There are many "cities" in the United States of less than five hundred inhabitants. The definition that Dr. Weber accepts, following the best statistical authority, is that, for statistical purposes, a city is a place having more than 10,000 inhabitants.

This definition was the best possible basis for the work he had in hand, but it seems probable that modern statistics is slowly feeling its way toward a better one. For the definition makes no limitations upon the area of the place beyond that implied in the fact that it is governed as a territorial unit. Thus under this definition, Greenwich, Connecticut, in which 10,131 people reside on forty-nine square miles, is a city, while Montclair, New Jersey, in which 8,656 people reside on six square miles, is not a city. Yet if in the two cases the population is distributed with equal evenness, it is clear that the urban characteristics of Montclair must be better defined than those of Greenwich. As the modern census finds it impossible to do what Dr. Weber not unnaturally desires (p. 17), viz. to report separately the population of areas not defined by public acts like charters, it seems not improbable that the difficulty just outlined will lead ultimately to a statement by census authorities of area, popu-



lation and density, side by side. In that case the line between urban and rural population could be drawn on the basis, not of actual population, but of population to a unit of area. Dr. Weber's objection (p. 10) that in such a case a group of farmers' houses crowded together like a German *Dorf* would be classed as a city is sufficiently met, I think, by saying that the area of such a village apart from the farms would seldom, if ever, be given separately and hence its density of population could not be reported. If this is not a complete reply, it might be found best to define a city for statistical purposes, by stating both a minimum population and a minimum density, but I am disposed to believe that the more significant criterion is density.

The great difficulty with all such statistical works as the present is that they are not strictly speaking books. A book is a work of art, it has unity and progress. The selection and rejection of material is guided by a consideration of the end which the material serves. That a man uses tables to further his argument in no wise relieves him from his obligations to his readers. On the contrary, he is all the more bound to grip and hold their attention, because his tables tend to shake it, in the same way that a lecturer who uses lantern illustrations may be less finished and careful in his writing or speaking, because of the aid the pictures furnish him. Only a few statistical writings can stand such a test; one thinks, for example, of certain speeches of Burke, or Gladstone, and *The Growth of Cities* is not of that class. It has not been fused into a whole. It presents the results of the writer's efforts to inform himself, not of his deliberate, persistent efforts to convince his readers. He does not carry his subject easily, but is a little oppressed by its magnitude and complexity. It is, however, a good compend, not a book, but a source of material; the facts regarding city growth have been carefully brought together and the statistical statements may be fully trusted.

WALTER F. WILLCOX.

*A History of the American Nation.* By ANDREW C. McLAUGHLIN, Professor of American History in the University of Michigan. [Twentieth Century Series.] (New York: D. Appleton and Co. 1899. Pp. xiv, 587.)

THE propriety of teaching American history in the final year of secondary schools is winning rapid assent; but until lately a serious hindrance to the introduction of the study has been the lack of suitable manuals. A new high-school book, therefore, and from Professor McLaughlin, is a notable event; and its appearance just now derives added significance from the author's services as chairman of the Committee of Seven on the Study of History in Schools. Scholarship and ability to tell a story we have a right to count upon always in the maker of such a text, but rarely indeed can we expect that pedagogical considerations will be weighed under auspices so propitious.

But after all a text-book is an evolution, and even from the best

equipped of pioneers ideal success is not to be demanded. Professor Channing's recent *Students' History*—by far the most important previous attempt in this field—with all its singular excellence, is felt by many instructors to be too much a college book. The present volume probably inclines toward the other extreme. To be sure, as the Report of the Committee of Seven shows, Professor McLaughlin sees clearly that merely to repeat for twelfth-year students the old eighth-year work with a fraction more of information is not worth while, and that a high-school book should stand for a definite advance in point of view and scientific method, at whatever sacrifice of anecdote and distributed detail. But in execution the question is one of degree, and I can not but feel that upon the whole the conception of high-school work represented in this volume is unduly conservative.

The accompanying Teachers' Guide, a helpful forty-page pamphlet, partially blunts this criticism, and at the same time it relieves the book from the pressure of pedagogical matter that otherwise would burden the pages. So disencumbered, and with the completeness of detail which perhaps militates against strictly text-book purposes, the work will appeal also to an audience outside the school-room as a welcome addition to our one-volume histories.

From either aspect, the author's interest centres, and rightly, in the national period. This gives him a relative advantage over his chief competitor. Channing's masterly treatment of the earlier history will not easily be matched in any account of equal brevity, and it is fortunate in every way that Professor McLaughlin's strength lies in his chapters dealing with the present, and more important, century. Here we have three hundred pages, compact of sound scholarship and accurate statement, that make a distinct addition to our briefer historical narratives. The assertion (p. 281) that no French frigate had impressed our sailors is of course an error, and to say that Hamilton "had in reality offered up his life for his country" (p. 268) is rather strained; but even such venial slips are rare for this portion of the work. Chief stress, of set purpose, is laid upon political development, though territorial expansion and the growth of the West, with the reaction upon politics, receive due attention. The influence of the author's special studies shows, pleasantly, in the reference to Cass as the father of the "popular sovereignty" doctrine, and in the brief exculpation of the British of the Northwest posts from the charge of inciting savages against the American frontier in time of peace. Elsewhere, too, many current misapprehensions and prejudices are quietly corrected: the account of the West-Florida matter (p. 264) is a good case in point. Many scholars will feel that the belief of the South in the right of peaceable secession is made to appear too exclusively a latter-day product of Calhoun's teaching (pp. 410, 415), but, when we recall how little patience Professor McLaughlin has for those who would allow the Rebellion a technical basis in constitutional history, his treatment of the matter here seems at least studiously judicial. Generous tribute is paid the honesty and heroism of the South, and the contradic-



tory phases of Reconstruction are set forth with admirable lucidity and fairness. I know no brief account of that intricate period so satisfactory. And this sturdy impartiality is characteristic of the book. No page is marred by slur or epithet, and foreign nations are treated with justice and generosity—all without abatement of virile Americanism.

In colonial history we have no right to expect the same easy mastery, but one is constrained to regret the number and character of the errors. The discussion of political development in early New England is peculiarly unhappy. The use of "people" for stockholders (p. 79), even before the transfer of the 1629 charter, guarded as it is perhaps by the context, would be a trivial matter, did it not mislead in a particular where caution is most needed; the attempt on the next page to clear up the relation of company and settlers does not clarify, and the implication in the use of "people" this time is seriously objectionable, considering that not a score of the thousand inhabitants had then any political power. On the following page (p. 81) the too prevalent misconception that the assistants' assumption of power in 1630 was due to the difficulty of bringing together a large number of scattered freemen obscures all the vital facts. The date 1633, on page 82, is, of course, a misprint for 1632. A little further on, in tracing the political development of Connecticut (pp. 88, 89), the older idea that the Fundamental Orders had peculiar federal characteristics effectually conceals the real significance of that document as an evolution from the written and unwritten practice in the mother colony. Similar indications of haste creep into other parts of the colonial story. The suggestion of despotic character throughout the account of Baltimore's charter (pp. 56, 57) is hard measure for the first royal patent that in any way contemplated representative assemblies in America, or any kind of self-government by the settlers; and the contrast drawn between it and the charter to Penn (p. 113), with the context, gives the student a distorted perspective. In the survey of pre-Revolutionary conditions, too, a book of this kind, surely, might abandon the traditional view to a greater degree for that of the recent scientific study of England's colonial policy—if only as a meet introduction to our own subsequent policy in our territories. Not least objectionable in this regard are some of the passages apparently most carefully qualified; the admission regarding England's commercial policy in comparison with Spain's (p. 173) is too colorless to combat the erroneous impressions that nine out of ten students bring with them. Even the more mechanical features give evidence of relative neglect in this part of the book. The footnote extracts from various authorities, and the quotations woven—very effectively—into the body of the story, too often have no authority indicated; while unlicensed modifications appear in what wear the face of direct quotations. Thus (p. 46) the passages from the *Planters' Declaration* in 1623 regarding Yeardley's proclamation of 1619, will look to the student, especially with the changes in pronouns and tenses, as if intended for a part of the proclamation itself. Of course, there are many features of special excellence, like the fine treatment of the Quaker

influence (pp. 107-110), but, on the whole, it is plain that these chapters have not received the author's critical attention. Happily, the book can justify itself without them.

The style is always simple and direct, and—despite the extreme compression and consequent occasional suppression of needed transitions—not without charm. Much of this necessary compression is accomplished with utmost skill (though it is provoking, when a single line more now and then would focus some important consideration that is left indistinct, to see five lines go to the probable time and place of the birth of Columbus). A page suffices for the inter-colonial wars down to the final struggle, and probably a like sacrifice of military detail, or else a more scientific study of selected campaigns, might with profit have marked the treatment of other wars. The two-page summary of strategic conditions and problems in 1861 is admirable, but the skeleton campaigns that strew the next forty pages contain little not as vainly attempted in more elementary books. They have too little substance to be of value in themselves, and too much if their purpose is to illuminate political movements. Such a volume, it would seem, should either study strategy or let it alone. One more criticism, and a serious one, concerns the plan of arrangement. The preface and the table of contents promise a reasonable degree of grouping by topics, and the condensation of the narrative requires it; but, though the author has apparently designed a compromise, in practice he never permits the logical sequence of events to impair the sanctity of intact presidential administrations. The resulting repetition adds no emphasis; it blurs.

It should be added that the illustrative material is abundant and of greater interest and value than that in any similar work. The eighty maps and tables and half of the hundred illustrations could hardly be bettered. The common-place pictures of public men, comprising the other half, lack any indication of their source, but are otherwise as good—and as bad—as text-books usually give. A conspicuous merit in mechanical make-up is the good taste in indicating a change of subject by effective marginal catch-words instead of by startling and defacing black-cap headings of paragraphs.

W. M. WEST.

*Calendar of State Papers, Colonial Series, America and West Indies, 1681-1685.* Edited by the Hon. J. W. FORTESCUE. (London: Eyre and Spottiswoode. 1898. Pp. lv, 828.)

THE records contained in this volume of the *Calendar* cover a period in which England had decided upon a more resolute policy toward the American colonies than she had hitherto pursued. This course was prompted by a clearer recognition of the rapid growth in their wealth and population. It would be difficult to say which was the more eager to enjoy the benefit of this growth—the English Exchequer, or the English shopkeeper. Both looked upon the colonial opposition to being fleeced as the unreasonableness of refractory, or the disloyalty of rebel-



lions, subjects, which deserved to be punished, either by the revocation of ancient charters, or by imprisonment in the local or English jails, or by a summary suspension from the gallows.

Throughout this volume there crops out that contempt for the provincial, which is one of the striking traits of the English officer and soldier in the great French and Indian War and the War of the Revolution. It was very much as if the provincial, simply because he was a provincial, had no qualities which the Englishmen of those times held in respect. It is to be regretted that the present editor of the *Calendar* should have shown so plainly his sympathy with this feeling of the English authorities in that age of extreme official superciliousness and gross official tyranny. Thus he characterizes the assertion of the agents of Massachusetts that Edward Randolph had received colonial aid in the performance of his duties 'as the king's collector, as a "lie." Massachusetts was a dynasty of the Saints, "under which truth did not flourish in high places." Cranfield is quoted with approval as saying that "Connecticut and New Plymouth were as corrupt as Boston, and more ignorant," while the Rhode Islanders "were a mean and scandalous set of people." Not satisfied with the statement of Culpeper that North Carolina was the "sink of America," the editor further blackens the reputation of that colony by declaring that it was a "settlement of rogues."

This volume of the *Calendar* alone is sufficient to show the thorough selfishness of the policy of the English government toward the American colonies. If there was an English community upon which the Navigation Laws bore with the weight of an iron hand, it was Massachusetts. The sterility of its soil and the harshness of its climate had compelled that colony, at an early date, to rely chiefly upon commerce and the carrying trade for prosperity. A rigid observance of these laws would have meant, if not the ruin of every interest of its people, certainly the partial destruction. It is not strange that they should have resisted, out of court and in court, the enforcement of foreign laws which worked so radically to their own damage; that they should have threatened Randolph, not only with imprisonment, but also with the loss of his life; and that they should have gone so far even as to repair the fortifications of Boston to repel invasion. The only result of all this patriotic opposition to the Navigation Laws on their part was, that they were stigmatized as rebellious, and were deprived of their charter. The true economic interest of the colony was not for a moment considered.

The spirit exhibited in Massachusetts was to be seen in New Hampshire also. The energies of the people there were bent upon thwarting Randolph and his deputies. Not satisfied with this, they declined to recognize Robert Mason as proprietary, and they emphasized their opposition to his claims by the use of gunpowder, hot water and spits. Edward Gove, who headed a serious uprising, enjoyed the distinction of transportation to England and imprisonment in the Tower.

The selfishness and greed of the English government were shown in

Virginia by its positive refusal to listen to the universal demand for a short cessation of tobacco-culture, as the only means of raising the price of that staple, which had now sunk so low in value as to paralyze every interest in the colony. The reason for this action of the government was, that the revenues of the King would be curtailed by the falling off in the volume of English imports, which would follow. The people determined to take the matter into their own hands. What is known as the "Plant-Cutters' Rebellion" now occurred, one of the most curious protests against the action of constituted authority recorded in American history. Suppressed in the day-time, the plant-cutting went on by night. Dropped by the men in fear of punishment, it was taken up by the women. So general was the movement in Virginia, that soldiers were posted on the Maryland side of the Potomac to prevent the spread of the infection into that province. As every pecuniary interest of the colony was made to lead into the channel of the King's revenues, it appears entirely characteristic that the ring-leaders of the rebellion should have been hung for treason, because in destroying the tobacco, they were cutting down the royal income by reducing the volume of English imports.

There is something whimsical in the complaint of Culpeper, who wrote, when displaced from the governorship, "what the wit of man can expect of a governor of Virginia beyond peace and quiet and a large crop of tobacco, I know not." In spite of this state of affairs, we find the House of Burgesses, a short time afterwards, in a protest against injustice, addressing the King in a manner that caused great indignation at Whitehall. Such indignation, however, seems to have been always aroused there if the colonial victim failed to lick the hand raised to appropriate its revenues.

PHILIP ALEXANDER BRUCE.

*The Family of William Penn, Founder of Pennsylvania: Ancestry and Descendants.* By HOWARD M. JENKINS. (Philadelphia: The Author. 1899. Pp. x, 260.)

IN compiling *The Family of William Penn* Howard M. Jenkins, to whom there could be no one better equipped for such a congenial task, has made an important contribution to the not over-cultivated field of literature devoted to the founder of the great Quaker province. What the author set out to do, and has done very well and exhaustively, was to trace both the ancestry and the descendants of Penn, as well as to give us a few data anent the Founder himself. He modestly disclaims any intention of dipping into history or biography, yet it is but just to say that he has produced something that will inevitably interest the historian and enlist the attention of even the most phlegmatic genealogist. In short, Mr. Jenkins has displayed so much freshness of spirit and energy (virtues which go not always with this class of work) and he has put together a mass of facts in so orderly and comprehensive a form, that his book bids fair to become, and to remain for many years, the authority



upon the Penn family. He is a trained writer who arranges with skill, instead of trying to hurl all his information at the unprotected reader at one fell blow.

One opinion of the author stands out very clearly. He has no doubt whatsoever that the Penns were originally Welshmen. The name itself is distinctly Welsh (*pen* meaning a head or highland) and the Founder himself was so strongly impressed by the probability of this Cymric ancestry that when a name was to be assigned to his new province in America he himself chose "New Wales." "New Wales" the colony would have been called had not his friend and patron, King Charles II., who could be royally polite when he so wished, insisted on the more personal title of Pennsylvania. Watson, in his charming, if desultory *Annals of Philadelphia*, relates how William Penn once said to the Reverend Hugh David: "Hugh, I am a Welshman myself," adding by way of explanation to the dominie, that one of his (Penn's) ancestors had emigrated from Wales into England. Genealogical comparisons made by Mr. Jenkins point to the same conclusion, and he places emphasis on the circumstance—not to mention other evidences—that the arms borne by William Penn (*argent, on a fess sable three plates*) are the same as those of the Penns of Shropshire, whose pedigree fairly "bristles with Welsh names."

Of William Penn's living descendants Mr. Jenkins shows that from the record evidence they appear to be in three lines, viz: 1. The line from Peter Gaskell and Christiana Gulielma Penn; daughter of William Penn, 3rd; 2. The line from Archbishop William Stuart and Sophia Penn, daughter of Thomas Penn, now represented by Major William Dugald Stuart, of Tempsford Hall, Bedfordshire, England; 3. The line from the same parentage as No. 2, represented by the Earl of Ranfurly. "Except through the adoption of the additional name Penn by the Gaskell branch," writes the author, "no living person named Penn, so far as appears, is a descendant of William Penn, the Founder." The Major Stuart who is referred to above is the present owner of all the general estate in Pennsylvania of the Penn family and has twice visited that state. Among the historic relics which he shows at Tempsford Hall are the gold chain and medal presented to Admiral Penn by the Naval Council in 1653 and the walking staff which the unfortunate Charles I. carried to the scaffold. The latter was given to William Penn by Bishop Juxon, who accompanied the monarch to the place of execution.

All readers who take any interest, direct or indirect, in what might be termed *Penniana* are under great obligations to Mr. Jenkins. None the less are they in his debt because he has brought out his book in attractive garb, embellished by many appropriate illustrations, notably portraits of the Penns.

EDWARD ROBINS.

*The History of South Carolina under the Royal Government, 1719-1776.* By EDWARD MCCRADY, President of the Historical Society of South Carolina. (New York: The Macmillan Co. 1899. Pp. xxviii, 847.)

PRIOR to the issue of this volume the only histories of South Carolina which contained anything of importance relating to the period of royal government were those of Hewatt and Ramsay. Of these the former was published in 1779, the latter in 1809. Both of them purported to be general histories of the province from its settlement to or beyond the period of independence. Hewatt lived near the time of some of the events which he related, and is said to have derived a part of his information from Lieutenant-Governor Bull. Ramsay, so far as political history is concerned, copied Hewatt though he also embodied in his work original material concerning ecclesiastical, medical, legal, fiscal, agricultural, and commercial affairs, natural history and literature. Hewatt devoted to the period under review 277 pages. Of this nearly the whole was filled with matter relating to climate, topography, social life and customs, Indian relations, military affairs, and events connected with the settlement of Georgia. Not enough space to make even a respectable sketch was devoted to the system of government, or to the internal political history of the province. No attention was paid to the development of legislation, to the conflicts between the executive and the legislature or between the upper and lower house, to the issues of paper money or to the land system. Hewatt did not have access to the archives from which he could have obtained information of this kind, and probably did not seek access to them. Ramsay devoted one chapter mainly to an account of the paper money, and gave a few disconnected facts about constitutional history, but his account of the agricultural system contains nothing of value to the student of institutions. Of the place and importance of the royal province in the system of British colonial government, of the special features of South Carolina as an example of a royal province, of the peculiar relations in which it stood toward the mother country, one will find only hints in these volumes, and those neither many nor very important. By noting thus the great defects of the older literature on the subject we shall the better be able to measure the excellence of Mr. McCrady's volume and the service which he has rendered to the history of his state.

The book consists of three somewhat distinct parts: the history of the period from its beginning to 1765; a series of seven chapters on the social conditions of the province at and before 1765; the history of the last decade of royal government. The chapters on social conditions contain much interesting and valuable matter relating to the merchants, physicians, bench and bar, schools and general social customs of the province. The choice of subjects treated here would seem to have been suggested by Ramsay, but the material presented is much more extensive and valuable. At the same time much that relates to social history is pre-



sented in the other parts of the volume, as the observations on commercial growth, value of lands and development of the press in Chap. IX.; statements quoted at length from Governor Glen's letters in Chap. XIV.; a good deal of the material relating to the settlement of the upper counties, to the negroes, to epidemics and other calamitous visitations to which reference is made in various parts of the volume. But a fatal defect in the author's treatment of the social side of his subject appears in the fact that he has devoted no systematic attention to the land system. In agricultural communities, like those existing in the American colonies, this is a matter of prime importance. Though Mr. McCrary has collected much material illustrating the social history of South Carolina in the eighteenth century, the reader will not find in his book an altogether clear picture of the type of society which existed there. The interaction between social and political development he does not seem to have fully considered.

In tracing the political history of the period the author adheres strictly to the order of time. Wars with the Spanish and the Indians, the succession of governors, controversies between the different branches of the legislature, and finally the events which preceded the opening of the Revolution, are presented in chronological order, in a succession of chapters whose only headings are the dates which fix their limits. This fact, when taken in connection with the author's treatment of social history, shows that he belongs to the same class of historians as his two predecessors, that he has not radically departed from their methods, though he has greatly surpassed them in the amount and value of the material which he presents. In his account of Indian relations he closely follows Hewatt, occasionally borrowing a succession of paragraphs with only slight verbal changes (pp. 75 and 102). One of the most thorough and satisfactory chapters in the book is that in which the history of Oglethorpe's expedition against St. Augustine in 1740 is given, the material for which is largely taken from a report of a committee of the general assembly of South Carolina on the expedition. The subject of the settlement of the upper parts of the province is treated in an interesting manner, but somewhat briefly. The superiority of this book to any which has preceded it appears most clearly in the treatment of the struggles between the different components of the legislature. The controversy over the issue of paper money which continued at intervals from 1724 to 1728; the conflict of 1733 over the claim of the lower house to the right to commit one who was not a member and detain him in prison in spite of a writ of *habeas corpus*; the struggles of the two houses over the insistence of the council on its right to amend money bills, are explained with considerable detail and in a fair and impartial spirit. Presumably the author might have made his treatment of the constitutional history of the province more full, had he made greater use of the journals of the two houses. But his references to these are few, and for his account of relations with the home government he apparently relies on

the calendars of documents in the Public Record Office relating to South Carolina, which were published years ago by the state historical society, rather than on the documents themselves, of which full copies exist at Columbia. But the student will find scattered through the volume a good deal of historical exposition, and of sound reasoning thereon, both of which relate directly to the royal province as an institution of government.

Mr. McCrady treats the events which preceded the opening of the Revolution with an even and impartial hand. This is quite consistent with the attitude which he has maintained toward all the conflicting parties which have passed in review before him in the earlier periods of his history. After assuming a position in reference to the Stamp Act and the other more general issues of the period which is in substantial agreement with that held by Lecky, he dwells at some length on the measures adopted in support of Massachusetts, New York and Virginia subsequent to the passage of the Townshend Acts. Of these the most important in South Carolina was the non-importation agreement. A detailed account is given of the origin of this among the mechanics and merchants of Charleston, of the vehement opposition made to its enforcement by Drayton and others, and especially of the controversy over the matter in the *Gazette*. "It was indeed a grave and serious question," says the author, "whether the colony of South Carolina had as yet received any such wrong at the hands of the mother-country as warranted this measure of non-importation." In connection with the history of this episode and of the beginning of the difficulties with the Regulators the author finds opportunity to draw an admirable character-sketch of William Henry Drayton. Another interesting fact suggested by Drayton's career is the change in the personnel of the Council. In the earlier years of royal government, natives of the province are said to have held the large majority of seats, but as the Revolution approached it had come to be filled mainly with placemen from England. It would be important to know if that were generally the case throughout the colonies. The rise of revolutionary government and the decline of royal power are traced till the close of the administration of Lieutenant-Governor Bull in June, 1775, and the arrival of his successor Lord William Campbell. At that point Mr. McCrady considers that royal government came to an end, and that Governor Campbell's efforts to recover the power which had been lost constitute a part of the history of the Revolution. This he reserves for future treatment.

The reviewer has found but few errors in this volume and those of comparatively slight importance. In point of style he considers it superior to the author's first volume. For its thoroughness and breadth of view it is worthy of high praise. It is not specifically a study of a royal province as an institution, but a general history of the province during the period under review. As such, and when regarded scientifically, it is open to some criticism respecting the selection and arrangement of material. Had the author limited himself more strictly to the



history of political development and to a study of social forces in their bearing upon that, he might have given the reader a clearer idea of the goal toward which events were tending. But the work is so excellent in itself, and is to such an extent superior to any of its predecessors, so far as they relate to the early eighteenth century, that the reader must heartily welcome it, and express the hope that Mr. McCrady will soon give to the public the result of his researches into the period of the Revolution.

HERBERT L. OSGOOD.

*The Narragansett Friends' Meeting in the XVIII. Century*, with a chapter on Quaker Beginnings in Rhode Island. By CAROLINE HAZARD. (Boston and New York: Houghton, Mifflin and Co. 1899. Pp. vi, 189.)

THE distinguished President of Wellesley College has thrown an arrow—not in Parthian malice, but in loyal affection—toward her native Narragansett, as she leaves its laurel groves for the hills of Massachusetts. The book is chiefly drawn from eight folio volumes of records belonging to the mens' meeting, with three volumes treating of the doings of the women, who were certainly an important constituent in the Friends' system of living. She does not tell us where the original records are deposited. Besides this matter and the preliminary essay on early Rhode Island Quakerism, there is an interesting reprint of the *Quaker's Sea Journal, Being a True Relation of a Voyage to New England, Performed by Robert Fowler of the Town of Burlington in Yorkshire, Anno 1659*. This tract was recently copied in the British Museum by Miss Hazard with her own hand. It is an account of the voyage of the first considerable number of Quakers, and their vessel the *Woodhouse* which ran into the harbor of Rhode Island in the summer of 1657.

The well-known story of Mary Dyer is treated at length. We are not to forget that there was an irreconcilable conflict. The Puritans drove out the Quakers, persecuting them according to the methods of the time, in obedience to a high motive, as they conceived it. Ecclesiastical authority knew no toleration, except in the precincts of Roger Williams, and his influence did not extend far as yet. On the other hand, Mary Dyer went back voluntarily to her martyrdom. Our author well says, "She had tasted the glories of martyrdom, and could not rest till she was counted worthy to suffer to the end. If, in our modern spirit, we inquire what her husband and children said to her sacrifice not only of herself but of them, and the suffering and pain she brought them, her grave face, with its rapt expression, rises to rebuke us. This life was nothing, the next all, in those stern heroic times" (p. 38).

As in every conflict of the spirit with material force, there was a bane and antidote, which could not be rendered in statement, nor controlled by statute. A woman was whipped at Weymouth. "After whipping, the woman kneeled down, and prayed the Lord to forgive those persecutors; which so touched a woman that stood by, that she said, 'surely she could not have done this if it had not been by the spirit of the Lord.'"

The ground was furrowed and the seed was sown broadcast, when George Fox came to Rhode Island in 1672, to nourish and to garner in the crop. Early in his visit he crossed the Bay to Narragansett and held his first meeting, probably at Jireh Bull's block-house on Tower Hill. Four years later, at the same place, the forces of Massachusetts and Connecticut mustered and moved out to crush the great tribe of Narragansetts in the swamp fight. The bloody track of the Puritans and the gentle way of the Quakers crossed on the beautiful slopes of Tower Hill. We could not have a state without the one, nor any liveable society without the equivalent of the other.

The Narragansett meeting extended its outposts over the whole South County, and even to Stonington in Connecticut. Miss Hazard tells its story in seven topical chapters. The aspirations of the spirit were heavenly, the meddling of the "overseers" was something worse than earthly. To "Deal timely with such as walk Disorderly" meant mischief. The Friends dominated Narragansett in the eighteenth century, and they frowned upon the courts and legal methods, as they did upon all the functions of an established state. Yet probably there was never a more litigious community than was developed there.

About 1761, they received a manuscript copy of the English book of discipline, which became the basis of their action. There was a deep beneath a deep in matters spiritual, which the "New Lights" claimed to fathom. Two Friends dealt with a man who "has lately joined in their (the Separates') Worship so far as to Stand up with his Hatt off in the Time of their Praying." Persecution built up the Friends as a sect when it ceased their system waned.

We may regret that these records yield no more matter of direct historical interest. The accomplished author has drawn out the best. It is mostly an account of narrow domestic life and petty discipline. The high spiritual ideal of Friends of the seventeenth century could not stem the invading influence of a widening civilization.

W. B. W.

*The Story of the Revolution.* By HENRY CABOT LODGE. (New York: Charles Scribner's Sons. 1898. Two vols., pp. xv, 324; xii, 285.)

THIS work may be regarded as one of the latest contributions to the gratification of the prevailing taste in our country for military stories and pictures. It is dedicated however to what may be considered even in these warlike times as a special class: "The Army and Navy of the United States, victors of Manila, Santiago, and Porto Rico, worthy successors of the soldiers and sailors who under the lead of George Washington won American independence."

Neither service will expect to find the literary work of a civilian, however accomplished he may be as a writer and a statesman, replete with lessons in strategy and tactics or military policy. One should not



be surprised to find in the first volume of this work a list of illustrations covering six pages followed by a list of maps that does not take as many lines; and in the second volume a three-page list of illustrations without any mention of a map. The second volume does however contain three maps. The work is devoid of any general map of the colonies or of the British possessions in North America. The illustrations are mostly works of the imagination or out of date. No references or authorities are given. Figures and dates are scarce.

The reader will be charmed with the author's graphic and vigorous, often eloquent language. But he may be influenced by it to pass over unscanned or unquestioned statements of doubtful meaning or correctness. Referring to the beginning of the war, "The First Blow," the author says (I. 27, 28), "If one wishes to explode a powder magazine it is sensible to fire the train which leads to it. But if one does not desire to explode gunpowder, it is prudent not to throw lighted matches about in its immediate neighborhood. The British acted on the superficial aspect of the case without considering ultimate possibilities and results. They kept lighting matches to see whether the explosive substances under their charge were all right and finally they dropped one in the magazine." In literal terms this would read about as follows: The British continually resorted to arbitrary force to assure themselves that the colonists would resent it and at last certain colonists resented it with force and so set the country in revolution. This is certainly a novel explanation of the way in which the war commenced. In every case of revolution or rebellion the government in power has to choose between force and diplomacy. If it chooses diplomacy, it must not, for the time being, resort to force. If the revolutionists prepare to use force, the government should content itself with making similar preparations, keeping pace with the enemy, and if possible getting a little ahead of him. Such was Lincoln's policy at the beginning of our civil war and such McKinley's or Otis's at the beginning of our present war in the Philippines. The responsibility for the first blow in each case was thrown upon the enemy. The British, on the other hand, precipitated the war of American revolution by trying to get possession of a paltry supply of muskets and gunpowder which they could have offset by the cargo of a single transport and of a couple of leaders whom, for the time being, they should have regarded as purely political factors in a purely political contest.

The diplomatic side of the war is treated clearly, fully, and brilliantly. The political side is made equally interesting and impressive, but in one respect seems incomplete, for the author says nothing about the machinery by which the first Congress had been called into being or by which the governments of the several colonies were transformed into governments of independent states. He hardly refers to a committee or council of safety or a convention. But the political essence, the great central fact, of the revolution, the Declaration of Independence, he discourses on in his most felicitous and most effective style. His discussion of Jefferson's conception and literary execution of the Declaration of Indepen-

dence is a combination of feeling and logic, which, like the noble subject of which it treats, should be read by every one who wants to be thrilled with "the spirit of '76." A specially effective piece of description is the chapter entitled "How Peace was made," in which the commanding character and intellect of Franklin are the salient features.

The author fails, as historians generally have done, to take a large enough view of the theatre of war. No one can justly appreciate the grand strategy of the Revolution without an appreciation of the geography of North America as determined by the Quebec Act. The advantage of the course and valley of the Hudson as a line of invasion is imperfectly indicated from a lack of appreciation, it would seem, of its location with reference to Europe on one side and the great Indian territory governed or controlled from Detroit on the other. That Great Britain relied upon communication with Europe and the co-operation of Indians was an important factor in its estimation of the strategic importance of the Hudson valley.

The author says: "The first military and political object of England when actual war came obviously would be to divide New England from the middle colonies by controlling the line of the Hudson River to the lakes lying on the border of Vermont and New York. The key of the position [he must mean for the British] was the fortress of Ticonderoga which commanded the lakes and in this way the road from Canada to New York harbor." In reality Ticonderoga, a point on the line formed by Lake Champlain, Lake George and the Hudson, simply blocked the passage up and down the natural line of travel and operation. It did not cover either the lakes or the Hudson against an attack either from the East or West. It could not prevent a passage across the great line of intended partition. It did not command that line in any sense that entitles it to be called "the key of the position." Nor was the line in question a "position." To call it one is to betray a misconception of the plan of operation. It was the line by which the territory of the revolted colonists was to be cut in two, but it was not simply to be won and held. Moreover, the isolation of New England, if accomplished, would not have crippled it, and would have been but the beginning of its conquest and subjugation. The experience of the North in isolating the greater part of the South in the Civil War and proceeding to conquer it shows about how far isolation goes toward breaking the spirit and destroying the resources of a people.

It is great injustice to Burgoyne to say, as the author does (I. 230), that the British ministry gave him everything that he wanted. It did not within 25 per cent. give him the force which he wanted, and asked for, and represented as necessary.

Schuyler and Gates are compared with each other and, as usual with historians, to the advantage of Schuyler. Into the merits of this comparison it is not worth while to go. Whether or not Gates was as good a soldier as Schuyler, he was not such an "old woman" as certain historians try to make him out. Ever since the history of our Revolutionary



war began to be written, Gates has been held up to scorn and contempt. Because at the first battle of Saratoga he did not reinforce Arnold so as to enable him to win a decisive victory. Gates had his army in a position of his own choice which had been skilfully and laboriously prepared for defence. Arnold, seeing the enemy approach, could not control his impatience for a fight. He sent out Morgan's riflemen and some light infantry to check him. The advance-guard affair thus brought about should, according to most critics of the battle, have determined Gates to abandon his intrenchments, come down from the commanding ground on which he stood, plunge into the low-lying woods through which the British were advancing, and engage in a general offensive operation. If these critics are right, Lee made a mistake in receiving Burnside's attack on the heights of Fredericksburg. He should have come down onto the flats that lined the Rappahannock and closed with the enemy there. Meade should not have waited at the ridge at Gettysburg for Pickett's division to work its bloody way up to his lines, but should have met it in the bottom of the valley. Thomas should not have remained at Nashville, while Hood was forcing Schofield back upon him; he should have abandoned his fortifications and gone to help Schofield win a decisive victory at Franklin. If Gates made a mistake on the occasion in question, it was in sending forward as many men as he did, and he probably did not send out any until he saw that his plan for a defensive action had been thwarted. Opprobrium has been heaped upon him for relieving Arnold afterwards from command. If Gates erred in this instance it was in not having Arnold court-martialed.

The author finds fault with Gates further as follows: "Instead of following up his advantage and attacking Burgoyne, he sat still and looked at him." When about three years later he threw himself, imperfectly prepared, upon the advancing enemy at Camden, and so sacrificed his army, was he not perhaps impelled by a recollection of the unreasonable criticism of his caution in the Saratoga campaign? When an enemy is cornered or invested, there are two ways of disposing of him or killing him off, one by bombardment, fusillade, or assault, in short, by destruction, one by depriving him of food and water, in short, by starvation. Destruction works quicker than starvation, but, except in point of time is more costly. What is more important, it involves a large element of chance, while starvation is absolutely certain. Great commanders have generally favored a combination of both methods, placing their chief reliance, however, in starvation. Such were Gates's tactics, when he had Burgoyne surrounded at Saratoga, and it is confidently asserted that no one in his place could have subjected the enemy to greater discomfort of mind and body than he did.

The author foregoes all allusion to our breach of the "convention" which Gates made with Burgoyne, and leaves the reader under the impression that the officers and men who surrendered and agreed not to serve again against America were allowed, as the convention stipulated, to go to England, and set an equal force free for service in America.

The point of the whole story, the net military result of the campaign, is thus imperfectly presented.

American as well as British historians have severely condemned the action of Congress in repudiating the stipulation that the British prisoners should be allowed to return to England. Congress had the right to review the agreement made by its general, and it was their duty to approve or disapprove of it as might seem to them to the interest of the people whom they represented. Burgoyne should have known or understood that the convention was not a perfect compact until ratified by Congress, and that if he anticipated its ratification or approval, he did so at his own risk.

Gates is justly criticized for giving Burgoyne the terms which he did instead of insisting upon unconditional surrender. He gave Burgoyne substantially the terms which Shafter gave Toral at Santiago, but he was not justified by either of the two facts in Shafter's case that the Americans commanded the sea, and that the terms were approved by the President before they were finally settled. It may, however, be questioned, whether Gates's concession was due as the author implies (I. 258) to lack of force or aggressiveness. It seems to have been due simply to imperfect apprehension or consideration of the element of sea-power in the enemy's case.

The Results of Saratoga form an interesting chapter on foreign relations and diplomacy. The next chapter, "Fabius," which closes the first volume, is devoted chiefly to the operations of Washington's army during the campaign at Saratoga, and carries the war on to the battle of Monmouth. The importance of Washington's achievement, preventing both Clinton and Howe from helping Burgoyne, is properly dwelt upon. The author says of Howe (I. 282) "He was not thinking of Burgoyne, did not understand the overwhelming importance of that movement. . . ." The real cause of Howe's inaction with reference to Burgoyne was his confident belief that Burgoyne would not need his assistance, provided that Schuyler, whom he thought throughout the operations in question to be in command, was not assisted by Washington. Howe meant by his movement on Philadelphia to keep Washington, if possible, from joining Schuyler, and if not, to give up Philadelphia and go after Washington. He meant to attract Washington or to follow him and neutralize him, wherever he might go. As both Washington and Schuyler were between Howe and Burgoyne, Howe's plan was radically defective. Howe could hardly keep Washington from slipping away and joining Schuyler in time to crush Burgoyne before Howe could interfere. Much less could he prevent Washington from detaching fractions of his army to reinforce the Northern army. That Howe's plan, as regards Washington, had the appearance of working well, was due to the fact that Washington confidently believed that Schuyler did not need his assistance. Hence neither Washington nor Howe allowed his attention to be diverted from the other by occurrences in the North.

The author inveighs against the "inhuman scheme" of employing Indians to ravage the frontier and raid the settlements, but does not allude



to the fact that the colonists tried to employ Indians against the British and did so about as far as they were able. He might have contented himself with remarking that the general military situation made it impossible for the colonists to reach the enemy's country, and that there was a difference in the use of savages between leading or inciting against regular troops and turning them loose upon old men, women and children.

The second volume opens with an account of Clark's expedition, in which the author ascribes to Clark the fact that "when the treaty of peace was made at Paris, the boundary of the United States went to the Lakes on the North and to the Mississippi on the West," and closes with a discussion of the meaning of the American Revolution, in which he recognizes and endorses our present policy of expansion. An appendix is made up of the Declaration of Independence, the Treaty of Paris, and Washington's Address on resigning his commission. There is a full index.

JOHN BIGELOW, JR.

*The Constitution of the United States; A Critical Discussion of its Genesis, Development and Interpretation.* By JOHN RANDOLPH TUCKER, LL.D., late Professor of Constitutional and International Law and Equity, Washington and Lee University. Edited by HENRY ST. GEORGE TUCKER, Professor of Constitutional and International Law and Equity, Washington and Lee University. (Chicago: Callaghan and Co. 1899. Two vols., pp. xxviii, 518; v, 519-1015).

THE author of these volumes was born in Virginia in 1823, and died in 1897. He belonged to the generation of the Civil War and to the younger set of men who witnessed an attempt at secession and its failure. During his life he occupied a prominent position as a lawyer and a public man. He was at one time attorney-general of Virginia, for twelve years a representative in Congress and for some years before his death a professor in Washington and Lee University. The manuscript of this work, left unfinished by the author, was edited by his son. The volumes contain fourteen chapters, but may be reasonably divided into three parts. The first is within the domain of political science or political philosophy; the second part is somewhat historical in character, dealing with the origin of the constitutions of England and the United States; the third part is a discussion of the principles of constitutional law.

The work has many faults, some of which, probably the majority, are attributable to the fact that the author seems not to have revised his manuscript and that the editor has not corrected even palpable and obvious errors. If the editor had the right to turn over to the publisher his father's unfinished work, he certainly ought to have had the right to correct conspicuous blunders which it must be presumed the author himself would not have suffered to stand. Perhaps some of the errors are due to inefficient proof-reading and did not appear in the copy at all;

but by this reference to serious and conspicuous blunders I do not have in mind such mistakes as might creep into a carefully edited book, such for example, as citing *Ham v. Louisiana*, instead of *Hans v. Louisiana* (p. 787), or *Wilton v. Missouri*, instead of *Welton v. Missouri* (p. 543), or *Brennon's case*, instead of *Brennan's case* (p. 543).

The chapter on the origin of English institutions is so faulty in details, there are so many inaccuracies of statement that, to say the very least, the whole is untrustworthy, although the arrangement and organization of material show considerable skill as well as some grasp of essential principles. A few examples will illustrate the kind of errors that frequently occur. The deposition of Edward II. is said to have occurred in 1330; that of Richard II. in 1400; the accession of Henry VII. in 1486; the battle of Bosworth in 1386. Edward I. is said to have summoned knights to Parliament in 1272. William III. is said to be the last monarch to use the veto. The tenure of judges during good behavior is attributed to an act of 3rd William and Mary. 1636 is given as the date of Hampden's trial for refusal to pay ship-money. In general, there is such a disregard of correct dates that the reader concludes that the chapter was written in the greatest haste and that the writer intended to revise it in detail. In other respects this portion of the work is far from faultless. Its defects seem to be due, in great measure, to the fact that the author has not used the latest and best commentaries in the preparation of his summary view, but has contented himself with repeating old and worn-out notions of English constitutional development. There are no references to Pollock and Maitland's work, or even to the convenient résumé by Medley which so carefully sums up the results of modern research. Reliance on antiquated authorities may account for the repeated references to the act *De Tallagio non Concedendo* which Professor Tucker says was passed in 1306. He seems to have used Hallam somewhat in gathering material for this chapter and there are occasional references to Stubbs's *Charters*; it therefore seems strange that he should not have noticed that Hallam in his *Middle Ages* effectually disposes of the so-called act *De Tallagio non Concedendo* as an original and authentic document and that all of the more modern authorities agree with him in general conclusions. The student of English history must strongly object also to the idea which the writer seems to hold—referring to De Lolme—that the distinction between Saxon commons and Norman barons continued into the sixteenth century: "But we are told that the commons bought the lands of the monasteries exposed for sale—for the Saxon by his thrift had accumulated wealth. The nobles were poor and thus the Saxon commons obtained a foothold upon the land of the realm." It is unnecessary, however, to devote more space to an examination of this chapter. It ought not to have been written at all; or, if written, the very least to be expected was a careful revision by some one before it appeared in print.

Of the 875 pages included in the two volumes, not counting the documents printed in the appendix, about two-thirds are given to constitu-



tional law rather than constitutional history—in other words, to a statement of the present organization of the United States and to the judicial interpretation of the written constitution. In this portion of the work the material is systematically arranged and there is evidence of thorough comprehension of important principles. Here, too, there are indications that the work was not completed. There are numerous errors which ought to have been corrected by the editor, either in the manuscript or in the original. For example, the date of Secretary Belknap's impeachment is given as 1867. The case of *Alabama v. Smith* (p. 545) supports exactly the opposite doctrine from that laid down in the text. The act limiting the tenure of office to four years was passed in 1820, not in 1822. On page 598 the case to which the author intends to refer in order to support his position is not the *Cherokee Nation v. Southern Kansas R. R. Co.*, but *Fort Leavenworth R. R. Co. v. Lowe*.

Some of the errors are not chargeable to poor proof-reading or hasty examination of the manuscript, but to very evident failure on the part of the author to examine the more recent cases. Here, again, it may be charitably presumed that had the author had opportunity to revise his manuscript the greater number of these errors would have been corrected. It seems strange, however, that some of the misstatements of fact should have crept into a work prepared by an able, experienced and practical lawyer. For example, relying on the case of *Elk v. Wilkins*, the statement is made that an Indian separating from his tribe and living among white people does not thereby become a citizen of the United States. The well-known act of 1887 expressly provided that an Indian could thus acquire citizenship. The author also declares that a state tax on all the receipts of a corporation engaged in interstate commerce is not invalid, provided there is no discrimination against interstate traffic. The decisions of the court are so clearly to the contrary, that one wonders how it was possible for the writer to make the assertion even in an unrevised manuscript. The same is true of the statement that the state cannot by contract debar itself from regulating railroad charges. The cases cited to support this proposition are not adequate. The courts have not gone farther than to say that the legislature can regulate charges, and that a mere grant of the right to fix rates does not preclude legislative enactment. But that a legislature cannot by express contract deprive itself of the right of interference is contrary to both reason and precedent.

The author's evident leanings toward states'-rights seems to have influenced his opinion, even when considering the Constitution as it has been interpreted by the courts and as it stands at the present time. Possibly it would be more correct to say that he does not desire to summarize the findings of the courts, but rather to comment freely on the Constitution regardless of authority and precedent. We find however constant and abundant references to decisions and an apparent willingness to rely on authority when it agrees with the author's own conclusions. It is not surprising to find that he disagrees with the Supreme Court in its decision of *In re Neagle*, and has considerable difficulty in seeing the

reason for decisions in *Tennessee v. Davis* and similar cases. But it is strange that he should assume with confidence the position taken on some other subjects, where, to say the very least, he could not be sure that his argument would be regarded as sound. He asserts that the United States government cannot tax interstate commerce, basing his argument on the clause of the Constitution which provides that the citizens of each state shall be entitled to all the privileges and immunities of citizens of the several states. He maintains that authority to regulate interstate commerce does not give the federal government the right to "force into a state contrary to its law, moral or physical disease, or any institution of society which the state may forbid." There is certainly nothing in the federal decisions to bear the author out in his first position; and the Supreme Court has not gone farther than deciding that the local police laws of the states affecting interstate commerce are valid in the absence of congressional legislation; they have never recognized the right of the states to determine what are illegitimate articles of commerce and inimical to public health and safety. The same sort of argument enables the author to disagree with the Supreme Court in its decisions concerning the right of Congress to exclude such material as it sees fit from the mails, and one is very distinctly reminded of Calhoun's famous argument on the incendiary (Abolitionist) publications, in which he maintained that Congress could not declare what should not go through the mails, but must recognize the police laws of the states as to what could be introduced within their limits through the instrumentality of the post-office. In accordance with this argument, if Utah should establish a Mormon Church and declare that any article denouncing Mormonism was destructive of the "order and the peace of society," the post-office must take care not to transmit any anti-Mormon newspapers to Utah. The whole argument is an interesting reminiscence of ante-bellum conditions and of ante-bellum prejudices.

The best portion of the whole work is the one with which the constitutional lawyer of the Northern states and probably also the student of constitutional history will be the least likely to agree. I refer to the historical statement of events leading up to the adoption of the Constitution and the argument in defence of the assertion that the United States is not a body politic but "a multiple of units." The writer has evidently been a close student of Calhoun and of Alexander H. Stephens. In the 145 pages devoted to this subject, he does what can be done to prove his case. It is not too much to say that he cites almost no evidence except that which he wishes to use for his own purposes, that he omits evidence which must be taken into consideration in any fair interpretation of the times. He quotes, for instance, No. XXXIX. of the *Federalist* to show that Madison believed that "In this relation the new constitution will, if established, be a federal and not a national constitution," but he does not quote other portions of the article in which the same writer asserts that the new government is to be national as well as federal. If we do not find fault, however, with the omission of what might tend to in-



validate his argument and to destroy some of the historical proofs upon which he bases his conclusion, it must be said that he has presented as strong a plea as can well be compressed into the allotted space. He seeks by abundance of historical evidence to demonstrate that the states were separate sovereignties when the Constitution was adopted, and that they adopted it as states. The result was the establishment of a *Staaten-Bund* and not a *Bundesstaat*. In spite of this conclusion he seems to hold that the Constitution is the supreme law of the land and binding upon the states.

In conclusion it may be said that it is a very difficult task to appraise the work in general terms. There are a few serious blunders, there is a tendency to theorize when a clear statement of well established principles is desirable, and there is occasional evidence of a bias which seems to militate against the trustworthiness of some of his conclusions. But withal the matter is forcibly handled, and no small portion is written with exceptional clearness and strength. On the whole, one is left with a feeling of disappointment that the author could not have finished his undertaking, made his final corrections and published the work himself.

ANDREW C. McLAUGHLIN.

*History of the United States from the Compromise of 1850.* By JAMES FORD RHODES. Vol. IV., 1862-1864. (New York and London: Harper and Brothers. 1899. Pp. xiii, 559).

MR. RHODES has now attained that agreeable position in which a new volume of his history is distinctly an "event." The position has its responsibilities; but the present volume offers abundant evidence that the author is quite capable of sustaining them. In guiding us through the central heat of the Civil War he never loses the clearness of head and the calmness of spirit with which he brought us up to the conflagration. At times, it may be, his enthusiasm for his *bahnbrechende* task leads him to attempt too much, and in trying to call our attention to the countless minor plays of light and shadow he diverts us from the larger outlines of the scene. But this tendency, if it exists at all, is venial; it might count for something in a judgment of the work as "mere literature," but can hardly have validity from the standpoint of history.

On the military side the present volume carries the narrative in the East from the siege of Yorktown by McClellan to the siege of Petersburg by Grant, and in the West from Bragg's invasion of Kentucky to Sherman's capture of Atlanta. Mr. Rhodes's handling of the military history will serve as an admirable corrective to certain ideas that have gained a good deal of currency in recent years. Outside of the purely technical works on the war there has been a tendency to lay down summarily that McClellan and Buell were hopelessly incapable, if not absolutely imbecile; that Grant outclassed Lee in Virginia as distinctly as he did the Confederate generals who opposed him in the West; and that

above all it was through a sort of baptism of military genius vouchsafed by Providence to Lincoln himself that the ultimate outcome of the struggle was decided. Mr. Rhodes, while intimating—over modestly, I think—that his judgment as a “layman” is not to be too seriously considered, nevertheless, most conclusively punctures these rather silly notions. He gives McClellan and Buell all the credit that is due them, even suggesting a very high place among commanders for the latter; he brings into very clear relief the disastrous incidents and effects of Grant's campaign of attrition against Lee; and by a cold-blooded exposition of some of the President's more preposterous blunders, he leaves it beyond controversy that Mr. Lincoln's military genius was at least of a distinctly intermittent type.

On the purely civil side, also, the character and ability of President Lincoln are put by this volume in a light far more faithful, if considerably less flattering, than that in which they have been placed by his professional biographers. Mr. Rhodes does not seem to believe that a high appreciation of the shrewdness, sagacity and practical insight of Lincoln necessarily implies the ascription to him of saintliness and infallibility. The halo, which, placed upon his head at his assassination, was left there by a sort of literary convention, is removed, though not irreverently, by Mr. Rhodes. This is well. We waited a century for the “real George Washington,” and perhaps we have not yet achieved the real Benjamin Franklin; but in proportion to the more rapid movement of things in general it is entirely proper that the real Abraham Lincoln should begin to be revealed a generation after his death. Mr. Rhodes allows us to see that Mr. Lincoln was a “practical politician” in a sense which at the present day chills the blood of reformers. He appointed men to civil office with a view, not to the good of the service, but to the securing of delegates to the national convention. That military offices were filled under the influence of like motives, is indisputable, and must be considered in assigning the responsibility for much useless slaughter. The shadier side of Lincoln's more personal characteristics is also treated frankly by Mr. Rhodes, and in a note on page 518 the nature of the stories which figured so largely in the President's conversation is denoted by a term which for exactness stands at the widest remove from the periphrastic euphemisms generally employed. Mr. Rhodes further contributes to the accuracy of history by noting some of the contemporary pictures of Lincoln drawn both by his supporters and by his adversaries. In neither is the halo of later days conspicuous.

The exercise by the administration of its war power in the North by the arbitrary arrest and punishment of private citizens, forms the subject of some of the most striking portions of this volume. Upon the policy of the government in this respect Mr. Rhodes visits almost unqualified condemnation. He rightly judges that the tame submission of the North to the abuses of this system was largely due to the general confidence in the personal rectitude of President Lincoln. The “copperhead” is set by Mr. Rhodes in a rather less repulsive light than is customary.



That he was sinned against as well as sinning is distinctly indicated; and the fact that his grievances against the administration received the sympathy and support of such men as Robert C. Winthrop and Benjamin R. Curtis, is properly presented as evidence that he was not altogether diabolical. For Vallandigham, whom fate and General Burnside raised to the doubtful eminence of copperhead-in-chief, Mr. Rhodes has sympathy but no admiration. The personality of the Ohio politician seems to have been unattractive, and it is by no means impossible that Mr. Lincoln took this fact into account in dealing with the case.

On this whole question of military supersession of the ordinary jurisdiction over civil rights, it is to be said that, regardless of all question of justice or of ultimate expediency, the will of the military commander will always, in fact, prevail in time of civil war. The comparison which Mr. Rhodes makes with the practice in England during the war with France is hardly to the point; the proceedings of Cromwell would be the parallel case. The dictum of the Supreme Court in the *Milligan* case is worthy of all the commendation which Mr. Rhodes bestows upon it. But the decision, it is to be noticed, was not rendered till after the close of hostilities, and never would have been rendered in that form during actual conflict; and the criterion of peace set up by the court, namely, that the courts be open and unobstructed, is practically impossible. Whether the courts are open and unobstructed, is a question of fact, which must be answered by some human authority. Practically the opinion of the military commander will always be conclusive on this point as against that of any judicial organ. In Vallandigham's time it was evidently the opinion of General Burnside and of his military superior the President, that in view of existing conditions the courts were not "unobstructed." To allow to the court itself the final judgment as to when it is open and unobstructed, would be to clothe the judiciary with a distinctly political function.

It would be impossible to call attention in this review to a tithe of the points at which Mr. Rhodes throws valuable light upon the period which he covers. His account of the state and variations of English and other foreign opinion during the critical period of the war is exceedingly well done. The motives of the Emancipation Proclamation, as well as its effects, are also excellently put. On the use of the negroes as soldiers, however, the historian is rather inadequate. Instead of the slight paragraph on Fort Wagner and Col. Shaw, which was really as local a Bostonian incident in 1863 as the commemoration of it was in 1897, the general aspects of negro enlistment might have been profitably considered. Especially would it have been worth Mr. Rhodes's while to give us the pros and cons of the question as to whether the eulogies on the fighting qualities of the blacks and the enthusiasm for their admission to the army had any motive in a shrewd Yankee business estimate of their utility for filling up state quotas without drawing on state citizens.

The last point to which reference can be made is Mr. Rhodes's very interesting theory in explanation of General Grant's mysterious conduct respecting Generals Butler and Smith before Petersburg in the summer of

1864. After putting himself on record as strongly desiring to get rid of Butler and put Smith in his place, Grant suddenly suspended the order, already issued, depriving Butler of command, and at the same time removed Smith. Mr. Rhodes conjectures that it was all due to "some hold" which Butler had secured on Grant, which was employed in so unscrupulous a manner as to overawe the latter.

"Perhaps he joined together, in a Mephistophelian manner, the failure of the campaign, the popular horror at the waste of blood, seemingly to no purpose, and the general's relapse from his rule of total abstinence; perhaps he told Grant that as a Confederate corps under Early was now threatening Washington, to the exasperation of the people of the North, the commander of the Union armies needed a friend who had a powerful control of public sentiment, and that he was not so secure of his position that he could afford to refuse the proffered aid of Butler, which was his for an equivalent" (pp. 495-496).

The interest of this explanation is enhanced by the fact that it might suggest a clue to the unravelling of another mystery later in Grant's career. In connection with the effort of President Johnson to get rid of Secretary Stanton, just before the impeachment, General Grant took a step which thwarted the President's plan. Grant's action was at once declared by Johnson to involve a flat violation of a pledge deliberately given by the general. That such a pledge had been given was asserted in the most explicit terms by five members of the cabinet—men whose word was worthy of absolute confidence. But Grant, on the other hand, met the accusation of bad faith with a simple and unqualified denial that he had ever made the promise in question. The issue of veracity stands complete, and to this day undetermined, with odds of six to one against Grant. At the time of this remarkable controversy Butler was the leader in fact of the Republicans in Congress, soon to become, at the death of Thaddeus Stevens, the leader in name as well. Among the adversaries of President Johnson he was easily the fiercest. In the party at large he was naturally very influential. The availability of Grant as a candidate for the presidency in 1868 was under active discussion. Can it be that Butler played Mephistopheles again, and as in 1864 moulded the will of his victim, though now rather through the promise of a splendid gain than through the threat of a frightful loss? It is to be hoped that when Mr. Rhodes reaches the proper point in his narrative he will throw all possible light on this strange incident.

WM. A. DUNNING.

*The Civil War on the Border.* A Narrative of Military Operations in Missouri, Kansas, Arkansas, and the Indian Territory, during the years 1863-65, based upon Official Reports and Observations of the Author. By WILEY BRITTON, late of the War Department. Vol. II. (New York: G. P. Putnam's Sons. 1899. Pp. xxiii, 546).

AMONG the Missourians who enlisted in Kansas regiments during the



Rebellion, and the number of them was considerable, we find the author of *The Civil War on the Border*. He joined the Sixth Cavalry, and the "Observations" upon which the history is partly based were made during the author's service in this regiment, which lasted from 1861 to 1865. At an early date he began a chronicle of the important events that came under his notice. In 1882 a portion of this diary, the rest of it having been destroyed by some unlucky accident, was printed with the title, *Memoirs of the Rebellion on the Border, 1863*. Subsequently the author had occasion to travel extensively in the region which he calls the Border and he embraced the opportunity to gather from survivors of the Rebellion whatever information they could give in regard to it.

Mr. Britton devotes himself mainly to military operations in the field. One would scarcely know from reading his book that the bitterest feuds were raging meanwhile among the Unionists. In Missouri the "Claybank" faction fought the "Charcoal" faction, and in Kansas Senator Lane gave Governor Robinson and his successor no end of trouble. General Schofield makes it clear in his *Forty-Six Years in the Army* that he had quite as much to fear, while he was in command of the Department of Missouri, from certain professed Unionists as from the avowed Secessionists.

Nothing decisive happened upon the Border during the war. Relatively the military operations there were of a secondary character. Of those which fall within the period covered by Mr. Britton's second volume, the most important were Shelby's foray, the Price raid, the Red River campaign and the Camden expedition which terminated in the disastrous battle of Poison Springs, where "the First Nigger bucked to the Twenty-Ninth Texas"—and bucked with very unsatisfactory results.

Undoubtedly the distinctive features of the struggle on the Border were furnished by the guerrillas and bandits. Nowhere else in the country did the peculiar style of warfare which they followed have any such vogue as in the western counties of Missouri, and Mr. Britton naturally devotes considerable space to them.

The guerrillas commonly had a loose organization, were often commanded by an officer with a Confederate commission, and operated in bands ranging in number from one to three hundred men. They moved rapidly from point to point, attacked escorts and trains, made an occasional dash into Kansas, and kept the country in a state of constant turmoil and alarm. In 1863, under the lead of the notorious Quantrill they destroyed Lawrence, Kansas—an event which Mr. Britton discusses at length and which may be considered the high-water mark of border savagery during the Civil War.

If the guerrillas were bad enough, the bandits surpassed them in genius for evil. Among the latter there seem to have been a good many original desperadoes. At all events the inhumanity of their style of warfare can hardly be exaggerated. With little or no organization, and commonly operating in small squads, they fired from ambush upon Union scouts and

couriers as well as upon private citizens whose politics they did not approve. They supplemented robberies and spoliations with abductions, tortures and murders. These outlaws, who set at naught all the ordinary laws of warfare, were hunted down like wild beasts, and, if caught, dispatched without mercy. It is said that the prowess and heroism exhibited in penetrating into their hiding-places in Western Missouri rivalled the adventures of Diomedes and Ulysses, "in entering the Trojan camp by night and slaughtering Rhesus and his companions." Yet our author is not insensible to the presence of pathetic elements in this pitiless business. Stumbling upon the dead body of a bandit near camp one day he pauses in his *Memoirs* to moralize on the gruesome incident. "I have no inclination to make a funeral oration over him, yet I will venture to remark that there is a sad thought connected with his lonely and obscure grave, for he has fallen in a cause that can never receive the sympathy of men fighting for justice and equal rights."

Mr. Britton has written a relatively dispassionate and judicial book. This is all the more surprising when we remember that he was an avowed abolitionist, a Kansas cavalryman, and that his parents, who remained in Missouri, suffered heavily at the hands of the Confederates. "I hope that I have not given in a single case," he says in his *Memoirs*, "an extravagant and sentimental account. . . . I am perfectly aware that a work filled with highly-colored statements is more greedily read . . . than one containing plain solid facts; yet I do not regret the course I have followed." While Mr. Britton may not have any signal felicities of style; while he may sometimes fail in matters of perspective and in the estimate of relative historical values, yet three cardinal excellences appear everywhere in his narrative—clearness, directness and sincerity.

LEVERETT W. SPRING.

*The Santiago Campaign*, 1898. By Major-General JOSEPH WHEELER, Commanding Fourth Corps, U. S. A., late Commander of Cavalry Division in Santiago Campaign. (Philadelphia: Drexel Biddle. 1899. Pp. xvii, 369.)

*The War with Spain*. By HENRY CABOT LODGE. (New York: Harper and Brothers. 1899. Pp. 276.)

*Reminiscences of the Santiago Campaign*. By JOHN BIGELOW, Jr., Captain 10th U. S. Cavalry. (New York: Harper and Brothers. 1899. Pp. vii, 188.)

*The Rough Riders*. By THEODORE ROOSEVELT, Colonel of the First U. S. Volunteer Cavalry. (New York: Charles Scribner's Sons. 1899. Pp. xi, 298.)

A GENIAL figure on the American stage is Major-General Joseph Wheeler. Ever youthful, ever vigorous, his simple manliness stands forth from these pages as it did from his activity at Santiago. After graduating at West Point in 1859 and serving two years, he joined the



Confederate forces and his record as a bold fighter and tireless marcher was unsurpassed. Frankly accepting the decision of arms, he has since shown that the honest rebel soldier may belong to the highest type of American. Wheeler's volume, unlike those of Lodge and Roosevelt, is not that of an expert book-maker. Including as it does some pages of a diary, a number of personal letters, and reports and orders galore, it rather suggests the soldier's note-book. The general himself appears in but a third of it. While the padding is interesting as a record, we could have wished for a fuller representation of the ingenuous soldier. That part which is General Wheeler's was written at Montauk Point in August, 1898, and is full of the freshness of the recent operations.

General Wheeler has no special point to make, his pages are purely narrative. All personal experiences are of a value graded by the witness. General Wheeler was a noteworthy part of the Santiago Campaign, and though he tells its story with the modesty bred of the usage of war, yet, appreciating the breadth of his command at the front, his statements lack not force. That he was sick to the extent of incapacity, he indignantly denies: "I was not off duty for a single moment during the campaign." Of General Shafter he says that "the great success of the expedition, (resulting in the capture of 24,000 prisoners by an army of about two-thirds of that strength) is a full answer to the criticisms that were made by some of the papers." He dwells upon his own insistence on not retiring from the extreme point gained, on July 1, by our gallant troops, only so much as truth seems to him to demand; and of his fellow generals he speaks as their brilliant conduct warrants. He gives a helpful sketch of the Spanish officers, and in the account of the surrender Toral is complimented for his struggle to avoid humiliation in word or act.

Gauging at its highest the devotion of the volunteers in going to and their gallantry and value on the field, yet General Wheeler casts his vote for the regular; and in characterizing him as more reliable, he is merely stating a world-old fact. Our Civil War volunteers really became regulars when enlisted for three years, for their education in serious campaigns and battles speedily gave them route and fire discipline; but the short-term volunteer always has had and always must have his limitations.

General Wheeler speaks with authority about Montauk Point, which was of necessity ill organized. To bring 20,000 men from a fever-stricken country and disperse them broadcast among the population could not be thought of; the returning men had to be quarantined somewhere; and while to the yellow journals with big editions to market, or to the peaceful citizen who knows not war, Montauk Point was a place of terror, statistics show that the suffering was hardly as great and that the mortality was much less, than ordinarily occurs under parallel conditions.

The general's farewell letters to his regiments make a cheerful page; and the lists of officers killed and wounded, with the tables of casualties by regiment, appeal to the individual.

It is a pity, however, to introduce a statement like the note on page 227. Santiago was not a great battle, and its comparison to Waterloo

even by innuendo, tells against the good work really done there. Moreover the loss of Wellington's army approached a third of his effective, and was not, as the note would lead the unwary to infer, only ten per cent.

The typography, paper and large-scale maps are excellent.

In his preface, Senator Lodge strikes the keynote of the handsome volume before us, which, in illustration and general get-up, is perhaps the most attractive we have so far reviewed. "In the broadest and truest sense of the word," says the distinguished author, "the history of this war cannot be written for many years;" but to "tell 'How it strikes a contemporary' it is not too soon." Penned during a heated session of Congress and actual hostilities, by a participant in the political turmoil, the volume savors rather of the forensic than the judicial. All men appreciate the difference between Latin and Teuton, and we regret the difficulty the Spaniard has had in recognizing the onward movement of the nations and the duties of the hour. But were the author of *Hamilton* and *Webster* to rewrite *The War with Spain* twenty years hence, he would less baldly accuse our late enemies of mendacity, duplicity and "the silly passion Spaniards call pride," or at least with a penstroke or two would replace such an ugly adjective as "lying" by an euphemism more worthy of Clio. This, however, in a war-book originally written in magazine articles is pardonable. Moreover the author thrusts home in more than one direction, as where he refers to the peace advocates as "some men who had once been eminent in politics, and some who felt they ought to be;" and is wont to show the vigor of his character in his unequivocal attitude toward all men.

Advancing into the volume, we find much that satisfies. The political causes, remote and proximate, leading up to the Spanish War are clearly indicated, as well as the seething of the opinions of war men and anti-war men, imperialists and anti-imperialists, in and out of Congress. Described by one who was a part of it all, the details lack nothing in pointedness, nor do they ever weary. Most war literature comes from the camp; here we have a book by one who has never borne arms, who viewed the campaign from the floor of the Senate, but who is in the prime of manhood, and might have made a typical soldier had he not, before the opportunity offered, become a successful statesman. This yields us much that is fresh, much that might otherwise be forgotten, and much that differs from the soldier's or sailor's narrative.

The author points out how a generation's parsimony in Congress came near to crippling even our American ingenuity; how the machinery of war, rusty by its neglect, bred faulty, slow organization; how, for example, this machinery despatched Sampson's fleet to sea with seven-knot monitors; how it sent our troops into action without powder to match even poverty-stricken Spain, together with other untoward results; and, as a consequence, how successively occurring facts, and not a homogeneous theory of operations, finally prescribed our plan of campaign. His castigation of the body of which he is an active member for its sins of omission in these particulars is noteworthy.



Senator Lodge dwells on the fact that the Americans were on the larger scale invariably the attacking party ; that the initiative of our officers and men was representative of that spirit which subdued the wilderness and the savage ; that the unquestioned bravery of the Spaniards was rather a negative quality ; and he is a manifest believer in "the decadence of the Latin race" and in the "superiority of the Anglo-Saxons." The description of the fights at Las Guasimas, and of those at El Caney and Santiago is one of the best we have, and original as being from the pen of a looker-on. He praises the regular, whose fights the latter were, and is evidently a friend of the army, who can in the future be relied on to do the progressive thing. There is a pregnant comparison of Manila and Aboukir, an admiring chapter or two on the Porto Rico campaigns. A general air of cheerful and self-confident Americanism pervades the book.

The Dewey chapters, on his diplomatic as well as military work, though a threadbare topic, are excellently done. They cover the ground, and a vein of humor running through them, while not exactly historical, brightens the successive pages. The work is comprehensive, and in it the entirety of our late war, political and military, is for popular reading perhaps given at its best.

Abundant appendices contain the proclamations, protocol and treaty of peace, and sundry similar documents.

To a veteran, Captain Bigelow's small volume is the most entertaining of all the books published since the close of the war. Pretending to write nothing more than personal reminiscences, the author has such a genuine way of taking the reader into his confidence, that what he tells of his immediate surroundings in the 10th Cavalry, from the standpoint of a West Pointer of twenty-five years' service, with an experience of foreign armies and much study of the theory of war, is full of meat. No work reminds the company officer who has campaigned under difficulties so keenly of his toils and hardships, of his enjoyment of the manly life, of his suffering from wounds, of the manner in which everything goes as it should not go, so well as Captain Bigelow's. From the first even a stranger knows him ; a friend knows him better. His familiarity with camp routine shows the trained soldier ; he tells of requisitions overlooked, of equipments not to be got, of issues at odds and evens, of orders and regulations impossible of execution, of scanty or no rations, of lack of care for the wounded, in a way which proves us to be an unmilitary people ; and he gives instances of manly heroism and gentleness, and of our intelligent fashion of handling difficulties, which show that we are essentially a warlike race.

Had this not been Bigelow's first campaign, he would have remembered that war is but a game of errors, big and little, and that organization only lessens and cannot eradicate the petty blundering which always galls the soldier. Not that he complains ; essentially philosophical, he cheerfully dispenses with food when hungry and with medical attendance when shot down. He works with what tools he has, and works well, and

in his concluding chapter he gives means for bettering our military status in a way which goes to the point without theorizing.

The captain pays a fine tribute to his colored troopers, who fall little short of being typical soldiers; he tells us of the seeming lack of plan at Santiago; of the absence of written orders; of his dodging his first bullets; of his charging up the hill without orders, but relying on the initiative an officer must often assume; of the "broad swarm" which made up the line of battle; of the patient courage of the wounded men about him—which no one knows who has not seen them stricken down; and of innumerable details which make up the picture a line officer sees on the march and in battle. Altogether the 188 pages are full of interest. Except one impatient reference to the commander of the Rough Riders, not a word could well be changed.

"On behalf of the Rough Riders I dedicate this book to the officers and men of the five regular regiments which together with mine made up the cavalry division at Santiago," is Col. Roosevelt's graceful tribute to his fellow-soldiers. Second in command of perhaps the oddest organization and one of the most intelligent regiments which ever went into action—a body where the cowboy fresh from the round-up and the undergraduate fresh from his classics or his football rode side by side; where he who would empty his revolver over a misdeal at poker bunked and messed, or starved and shivered, with him whose New England estimate of human life was overwrought; where the Pawnee Indian rubbed elbows with the Harvard or Yale ninety per cent. man; where contrasts ran riot, and yet where one purpose kept every man true to his discipline and his work—second in command of this regiment, Colonel Roosevelt received his first impressions of service, and his baptism of fire. He might have had the colonelcy, but he wisely chose to serve under a man who is every inch a soldier, who has won the Medal of Honor, who can stand fatigue like an Apache, and who possessed the experience Roosevelt lacked. Leonard Wood was soon promoted and left the "Rough Riders" to Roosevelt; and with it he left a heritage of soldierly instincts, and an amusing disregard of red tape.

It is lucky, on the whole, that the best men at the front have given us personal experiences, and not striven to write history. Such a book as this is far more helpful. Its chief charm lies in the series of miniatures or silhouettes of the men of whom we heard so much in June, 1898. As Roosevelt frankly admits, the Rough Riders did, could do, no more than the regulars at their side, in some ways not as much; yet those were talked of while these were passed over in silence. This is the usual working of the public mind. A non-commissioned officer of volunteers gallantly falls in the first fight, and his social standing keeps his name in the public press, while the regular sergeant who drops in his tracks ten rods away is only noted on the muster-rolls. Similarly a plucky commodore dares a presumably mined channel and destroys the enemy's fleet—and verily he hath his reward in the plaudits of the people; while other



sailors, whose opportunity came not quite so soon, have but a scant meed of praise. War honors are always such—naturally and properly.

In a simple but telling manner the colonel describes how Wood and he, by dint of push, got equipments where others failed; how out of a plethora of recruits only those who could ride and shoot were chosen; how in camp at San Antonio the cowboy, the mining prospector and the hunter vied with the swell or the student as to who could best learn his duty; how a kindly but serious discipline was accepted by all alike; how every man strove to fit himself to do and dare when the hour of battle should come; how the troops were sent hap-hazard to Tampa; and how it was only by stealing a march on the other regiments that the Rough Riders actually got on a transport for Cuba, and finally landed in the "scramble" at Daiquiri.

Altogether it was a strange organization. An abnormally quiet and gentle man was dubbed Hell Roarer; a fastidious club man, Tough Ike; his rough-and-tumble cowpuncher bunkie, the Dude; a fighting Israelite, Pork Chop; everyone of note had his antithetical cognomen. That all worked kindly together was due to Wood, Roosevelt and those whom they selected as officers, men who "not only did their duty, but were always on the watch to find out some new duty." As Roosevelt says: "in less than sixty days the regiment had been organized, armed, equipped, drilled, mounted, dismounted, kept for a fortnight on transports, and put through two victorious aggressive fights in a very difficult country, the loss in killed and wounded amounting to a quarter of those engaged." Truly a noteworthy record for the early days of a volunteer organization, and in every rank a credit to American character!

This volume is just what its title indicates—"The Rough Riders." "It is astonishing what a limited area of vision and expression one has in the hurly-burly of battle," says the colonel, and though he describes nothing more than what he saw, his story of the "squad-leaders' fights" of his regiment gives one the realistic side which no history affords. When rations are wanting, or bad, the colonel tells us the fact, but goes not out of his way to denounce Alger; when the officers have to attack without orders, we learn how they did it, but without a covert dig at Shafter. Books like this and Bigelow's are refreshing reading after the epidemic of press criticism. We learn much truth from the books; much error from the news columns.

The anecdotes about the men and the regimental mascots equal in interest the narrative of the fights by the regiment at whose head Colonel Roosevelt rode up San Juan Hill to victory—and Albany. The Round Robin incident is treated without the heat of the moment. On the whole, between the lines, there is wisdom for the legislator who should prepare the nation for our next war. While the proposition with which the volume sets out, that the Rough Riders were a wonderful volunteer organization, is demonstrated, the book also helps to prove that there was no more than the usual suffering in Cuba or at Montauk. Colonel

Roosevelt came home "disgracefully well," though he was thrice grazed by missiles.

The paper of the book is heavy and the type large. Abundant phototypes put one in close touch with the men and officers. The get-up of the volume leaves nothing to be desired.

As with any positive man, one may easily find himself disagreeing with Colonel Roosevelt, but it would be hard to resist the frank, infectious and sportsmanlike way of putting things from the beginning to the end of this book. The last words furnish its *motif*: "Is there any wonder that I love my regiment?"

THEODORE AYRAULT DODGE.

*Studies in the Constitutional History of Tennessee.* By JOSHUA W. CALDWELL. (Cincinnati: The Robert Clarke Company. 1899. Pp. xiv, 183.)

THE constitutional history of Tennessee is in some respects unique. Few, if any, of our states have had in their early history so many vicissitudes of government. Within the quarter of a century from the coming of the first settlers to the admission of the state into the Union there existed as many as six different governments; and four of them—"The Watauga Association," "Cumberland," "Franklin" and the so-called "French Broad Association"—were wholly independent of external authority. More striking still is the character of some of these primitive constitutions, based upon immediate needs, and struck off boldly without precedent. It is the story of this constitution-making and self-government that Mr. Caldwell, in the earlier chapters of his book, relates. He does not give the history for the first time, but he is the first to single out matters constitutional. He does not aim to be exhaustive, nor does he pretend to a minute investigation of the sources, but gives us a series of studies of the more important features of his subject—a running commentary (shall we say?) on the texts of the authorities. The analysis is not at all points rigid, but both the analysis and the interpretation are mainly original; and the author makes clear at every step what ideas he appropriates and what are his own. The work is conceived in a spirit of fairness and executed with candor. There is a breadth of view in the treatment which, upon the whole, saves from mistakes of proportion. Here is no glorification of the pioneers, but a conscientious and judicious effort to find the truth and to express it.

After discussing the "Franklin" movement the author expresses very decidedly his opinion that among the people of the South-West the idea of "separatism," at least in the form of an alliance with Spain, never had any hold. His conviction is based, apparently, upon a knowledge of the people. There is really little evidence on the one side or the other, but the weight of what there is seems to be on the side of this conclusion.

The constitutions of the state—there have been three, with amendments—are taken up in succession, their histories given, their provisions



analyzed and criticized. The constitution of 1796, though extolled by Jefferson as "the least imperfect and most republican" of the state constitutions, Mr. Caldwell regards as far from democratic, though he takes issue sharply with Phelan, who asserts that it was "unrepublican and unjust in the highest degree." Its chief defect was its reservation of too much power to the legislature. "The constitution of 1834," he says, "is the only constitution that the people of Tennessee ever have made. It is the only one of the three state constitutions that was the product of conditions existing in the state at the time when it was enacted." The author recognizes, though he does not, I believe, sufficiently emphasize, the force of the wave of democratic sentiment that swept over the country in the years about 1830—a wave that in some form or other went over the civilized world. The difference between the constitution of 1796 and that of 1834 was as much the result of this wave as of the changed conditions in Tennessee.

The constitution of 1870 had for its real, though not ostensible, purpose the enfranchisement of the disfranchised, and was thought even by its framers to be only temporary. Despite the fact that it is unsuited to the present needs of the state, the state continues to endeavor to live, move, and have its being under it. It is, I believe, an open secret that these studies were first published with a view to creating or deepening an impression in favor of a new constitution, and Mr. Caldwell pleads earnestly and forcibly for his cause. There is one point on this line that deserves especial mention: "Local self-government," says our author, "has always been the favorite phrase and theory of the South, but . . . the South has less of local self-government than any other section of our country, and there is no Southern state that has less of it than Tennessee." There are several portraits in the book, also lists of the members of all the conventions.

EDMUND C. BURNETT.

*The Fee System of the United States.* By THOMAS K. URDAHL, Ph.D.  
(Madison, Wisconsin. 1898. Pp. xii, 193).

This monograph, prepared by the writer as a doctoral dissertation at the University of Wisconsin, is an excellent presentation of the American fee system in its historical development from early colonial times, with a thorough examination of the present situation. It is written chiefly from the standpoints of finance and administration, with occasional attempts, however, to relate the changes taking place in the fee system to changes in political and economic conditions. It is altogether a satisfactory and enlightening treatment of a somewhat dry and technical subject.

A preliminary chapter discusses questions of definition, classification, and principle. The author argues for the recognition of fees as a category of public revenue distinct from taxes, on grounds that have commended themselves to the best modern students. The existence of

individual benefit is the criterion of the fee, the reverse being true of the tax. Value of service rather than cost of service is claimed to be the true measure of benefit, Dr. Urdahl not sharing the opinion of Wagner and others that, whenever a payment exceeds the cost of a service undertaken by government, it ceases to be a fee and becomes a tax. He points out that a large class of fees is merely payment for privilege, *e. g.*, license fees, where the expense of service is merely trifling.

A second set of preliminary chapters gives an instructive survey of the fee system of England and Europe from medieval times. This opens the way to the study of the American system. This study is exhaustive and minute, and cannot easily be summarized in a brief review. The fee was the most important part of the colonial financial system, inasmuch as most offices were self-supporting. This was in harmony with the then-accepted "social contract" theory and the actual social conditions. "Service and counter-service was the theory on which the entire method of remunerating public officials was based" (p. 121). The special characteristic of the period, 1787 to 1830, was the great mass and diversity of fees imposed by the states for regulation. There was no uniformity of system within the states or between them. It was an era of special legislation. The main characteristics of the next period, 1830 to 1865, were the growth in the volume and importance of incorporation fees, and the increased use of fees in local finance. Taking these two periods together and adding the following years to the present time, the chief tendency to be noticed and explained is the passage from the primitive fee-system of colonial days to the modern salary system. "The forces which make this change necessary and desirable, lie in the economic conditions of a rapidly growing and progressive community" (p. 148). This evolution is interestingly traced in state and federal statutes, and is also shown to be reflected in the changes in state constitutions.

The concluding chapter of the monograph is concerned with an examination of the fee-system as a social force. The author shows clearly how our ill-conceived fee-system is frequently responsible for the miscarriage of justice and maladministration and corruption in other departments of government. Suggestive applications are made to the divorce problem, tramp question, etc. The chapter is heartily to be commended to social and political reformers, and the whole monograph should be remembered as a worthy addition to our historical literature of administration and finance.

A. C. MILLER.

The *Annual Report of the American Historical Association for the Year 1898* (Washington, Government Printing Office) is a volume of 745 pages. A large part of it, perhaps 200 pages, is occupied with the report of the proceedings at the New Haven meeting, and with papers read upon that occasion. Of those proceedings, an account has already been given in this REVIEW, (IV. 409-422), and some of the papers read were summarized in that article. The inaugural address by Professor



Fisher, President of the Association, on "The Function of the Historian as a Judge of Historic Persons," Doctor Friedenwald's description of the historical manuscripts in the library of Congress, the discourses of Professors Andrews and Osgood on American colonial history, President Frank Strong's paper on "A Forgotten Danger to the New England Colonies," and that of Judge Simeon Baldwin on "The Constitutional Questions Incident to the Acquisition and Government by the United States of Island Territories" are contributions which one is glad to have the opportunity to examine in print and at leisure, and which are exceptionally worthy of permanent preservation. Besides these papers, there were several which were merely "read by title" at the New Haven meeting, but are now presented at considerable length in print. Mr. W. F. Prince, with much industry and some acuteness, but in a distressingly sprightly style, conducts an "Examination of Peter's Blue Laws," of which he finds much the greater number to have had an actual existence. But it is to be said that among those which never existed are a large proportion of those which have seemed most ridiculous and have been most often quoted; also that Mr. Prince apparently thinks Peters to be not ill vindicated if one proves that the laws which he cited had existence and validity in some one of the New England colonies, whereas Peters statement is definite, to the effect that these were the laws of New Haven. Mr. Albert C. Bates, secretary of the Connecticut Historical Society, contributes a scholarly paper on the Connecticut Gore Land Company. Mr. George B. Landis relates the history of the Society of Separatists of Zoar, Ohio. Dr. J. C. Ballagh, of Johns Hopkins University, presents a thoughtful and valuable paper upon those aspects of southern economic history which are connected with the subjects of the tariff and of public lands. Miss Mary R. W. Stubbart, under the title of "The Cambridge School of History" groups two papers, one on the new historical tripos at Cambridge, the other on the question of public hostels. The latter has nothing to do with history. The former contains information, valuable, fresh and interesting, but so imbedded in contorted verbiage that it is not more easy to read than so many pages of Browning. The volume concludes with the report of the Committee of Seven on the Study of History in Schools, which has been printed as a separate volume, and is reviewed at an earlier page of the present issue; and with the Third Annual Report of the Historical Manuscripts Commission. The latter consists chiefly of three appendixes. The first contains twenty-eight pages of items respecting historical manuscripts which have come to the knowledge of the members of the Commission by means of the circulars which they have sent out, or in other ways. The second is a calendar of the letters of John C. Calhoun, heretofore printed—a list which appears extensive, but which, if deduction be made of the official letters of Calhoun as Secretary of War, printed in the folio *American State Papers*, shows that in reality very few of his personal letters have ever seen the light, and thus displays abundantly the need of that edition of his correspondence which the Commission expects to present in its

Fourth Report. The third of these appendixes, extending to one hundred pages, presents a guide to the items relating to American history in the eighty volumes of the reports of the English Historical Manuscripts Commission. This list opens up to the use of students of American history a vast mass of material hitherto almost impossible to use. The plan of arrangement separates the entries found into two classes, those which relate to several colonies or to the history of all the colonies in general, and those which relate distinctively to one colony. Under these heads the items are arranged in chronological order. An alphabetical index of the names of persons is appended.

*Syria and Egypt from the Tell el Amarna Letters.* By W. M. Flinders Petrie. (Scribners, 1898, pp. 187.) No discovery of modern times has contributed more to our knowledge of ancient life and history than the remarkable series of official documents rescued from the ruins of the capital of Amenhotep IV. and known as the Tell el Amarna tablets. Unfortunately no thoroughly satisfactory translation of them into English has yet been made.

Professor Petrie, availing himself of the excellent German translation of Winckler, has performed a valuable service in classifying the letters which were interchanged between the Egyptian kings Amenhotep III. and Amenhotep IV. and their governors and vassal princes in Syria, and in giving brief epitomes of the important facts contained in each. To these he has added brief introductions dealing with critical questions of history, chronology and geography. The summaries and introduction are very useful, but they do not of course supply the place of a translation.

The original contribution of the book consists of the identification of many places mentioned in the inscriptions. In this field Dr. Petrie is most at home. All references to a given town are carefully collated and the usual mutations between the transcription of cuneiform and the modern Arabic forms considered. The descriptive nature of many of the names also furnishes valuable suggestions. Of the one hundred and fifty places referred to in the letters about one hundred can be located with more or less certainty. The work of identification, however, has not yet by any means been pushed to its furthest limits.

Although well provided with indexes, the value of the book for general students, for whom it is primarily adapted, is greatly impaired by the lack of a map indicating the identifications and enabling the reader to trace the geographical background of the events recorded.

C. F. K.

In the third *Abteilung* of Vol. VIII. of his *Könige der Germanen* (Leipzig, Breitkopf und Härtel, pp. 296) Dr. Felix Dahn begins his consideration of the Frankish constitution under the Carolingians proper, treating in full detail, however, only those points in which changes occur in the institutions of Merovingian times. Three subjects are dealt with: the royal legislation, the public offices and the military system. The most important and interesting sections are those devoted to the *Graf*,



to the *missi*, to the chancery, and to Charlemagne's attempts to lessen the burden of military service. Dahn bestows the highest praise on the institution of the *missi*, but, true to his conception of Charlemagne's character already referred to, he refuses to see in it an evidence of his genius, but only of the goodness of his heart, his desire for his people's welfare, and his determination to fulfill his religious duties.

*Magna Charta and Other Great Charters of England, with an historical treatise and copious explanatory notes* (Philadelphia, William J. Campbell, 1900) is the promising title of a work by Boyd C. Barrington, Esq., LL.B., of the Philadelphia Bar. The book contains a preface, an historical review of the "causes culminating in the granting of the Great Charter," a collection of seventeen charters translated, from the laws of Edward the Confessor to the confirmations of Edward I. and the clergy, explanatory notes to Magna Charta, and an index. Mr. Barrington, believing that "to the average reader the facts relating to the Magna Charta, as well as the Magna Charta itself, are like a sealed book, absolutely unknown," endeavors to supply the lacking information. No more worthless book was ever published. The historical treatise reads like a sophomoric essay and is full of inaccuracies, ridiculous statements, and bad grammar, while the notes to Magna Charta are simply antiquarian rubbish. The work is a veritable historical curiosity, containing, one may almost say, the imprint of the twentieth century on its title-page (1900 instead of 1899) and the historical ideas and scholarship of the eighteenth in its text. Where has Mr. Barrington buried himself for the past quarter of a century, that for him Stubbs, Freeman, Norgate, Bigelow, Brunner, Liebermann, Bémont, Round, Pollock, and Maitland, not to mention Digby, Taswell-Langmead, and Medley, have done their work in vain?

A footnote to the preface of *Paysans et Ouvriers depuis Sept Cents Ans*, by the Vicomte G. d'Avenel (Paris, Armand Colin, pp. xvi, 391) informs us that it is an "abrégé" of Volumes III. and IV. of his monumental *Histoire Économique*. The ordinary reader and the ordinary librarian would probably not gather from this information that in reality it is a verbatim reprint of the whole of the text of that portion of the Vicomte d'Avenel's work, without either the references to authorities or the statistical tables which accompany it in its original form. The *Histoire Économique* is so extensive an undertaking, and so characteristic an example both of the strength and of the weakness of the older school of French political economists, that it calls for careful examination; and we hope at no distant date to place before our readers something like a detailed examination of its contents. Until then it will be well to postpone any review of the conclusions, which are here reproduced without any of the evidence supposed to support them. It may be sufficient for the present to warn the reader into whose hands *Paysans et Ouvriers* may chance to fall, that the evidence is open to a good deal of criticism, and that it is exceedingly inadequate on many of the topics concerning which

M. d'Avenel is most positive. For instance, M. d'Avenel is of opinion that the craft-gilds of the Middle Ages exercised absolutely no influence on the rate of wages (p. 85), and he even puts this to the front in his preface as one of the main results of his investigations (p. x). But the lists of wages given in Vol. III. of the *Histoire* contain, under the head "Tailleurs, Tisserands et Ouvriers du Vêtement," (and how important these trades were we need not stop to explain), not one single entry before 1364, and only sixteen between 1364 and 1498. These sixteen belong to four or five different crafts, in eight different places, and range all the way from ten centimes to 4 fr. 43 per day. Figures like these are evidently incapable of supporting any general conclusion. Or take some other examples. For so important a craft as that of the *cordonniers* we are furnished with but two figures before 1500, and these are for 1380 and 1498; for butchers also with two figures, for 1358 and 1384. Of the last two one comes from Orléans and is given as 18 centimes, and the other from Hainault and is given as 83 centimes. These instances will perhaps suffice. They will at any rate prevent the reader of the present volume from supposing that the Vicomte d'Avenel when he speaks most positively is always drawing from an inexhaustible storehouse of information.

There are many published lives of Prince Henry the Navigator, all of them about equally unsatisfactory to the reader of biographies. The reason for this has at last been made plain—for the first time to readers not familiar with the sources of Portuguese history—through the appearance of an English version of Azurara's *Chronicle of the Discovery and Conquest of Guinea*, edited by Mr. C. Raymond Beazley, who had translated it with the assistance of his Oxford colleague, Mr. Edgar Prestage. An examination of Mr. Beazley's introduction and of his notes to the text shows very clearly how completely the biographers of Prince Henry have been compelled to rely upon the data and the point of view of this contemporary official chronicler. A few scattered letters, of little more than personal interest, the usual array of baptismal and burial records, of land and titular grants, and other flotsam and jetsam familiar to every one who has waded into the sea of historical "sources of information," comprise nearly all that the efforts of successive students of the *Chronicle*, among whom Mr. Beazley ranks as one of the most earnest, have succeeded in bringing to light to illuminate and check the statements made by Azurara in regard to his hero. Luckily, this evidence is apparently sufficient to show that Gomes Eannes de Azurara was an intelligent and fair-minded observer and recorder, and his narrative, so far as the absence of conflicting data permits a judgment, gives a very fair and comprehensive account of the events which brought the western coast of Northern Africa within the range of the well-known.

G. P. W.

Many teachers of Modern European history find themselves unable to rely with satisfaction upon a single text-book, or even upon a group



of manuals. They will find themselves signally aided by the excellent *Syllabus of a Course of Eighty-Seven Lectures on Modern European History* (1600-1890) by Professor H. Morse Stephens, of Cornell University (Macmillan Co., pp. xviii, 319). The volume is a revised and enlarged edition of a syllabus used at Cornell University during the last five years, but now for the first time published in book form. The syllabus contains skeletons of lectures on eighty-seven successive topics within the field, presenting the facts in a compact summary, with the dates and the proper names to be mentioned. Each such skeleton is followed by a bibliography of considerable extent, embracing both primary and secondary authorities and books, written in either English, French or German. A brief general bibliography is given at the beginning of the book, while appendixes at the end contain lists of the monarchs and chief ministers of the European powers during the period covered, together with a few genealogical tables.

A syllabus cannot be reviewed in the same manner as other books, and indeed can hardly be justly estimated until one has tried it in actual use with classes. Beforehand, this seems excellent. The bibliographies, exceptionally fresh and modern, will be particularly valued. The fault which the present reviewer conceives to be the chief one is of a sort which it surprises one to find in a book by Professor Morse Stephens; namely, its neglect of the French Revolution. That revolution, from the meeting of the States General to the Ninth Thermidor, is disposed of in two lectures out of the eighty-seven, a space not greater than that given to the contemporary revolutions of Belgium and Poland. The reason is that Professor Morse Stephens gives special advanced courses on the period of the French Revolution at Cornell University. This however is not a sufficient reason for such brevity when the book is placed upon the general market and offered to the use of teachers who are conducting general courses in modern European history, preserving the customary proportions. Something the same may be said of the Napoleonic period.

*Die Politik des Protector Oliver Cromwell in der Auffassung und Thätigkeit seines Ministers des Staatssecretärs John Thurloe*, von Dr. Sigismund Freiherrn von Bischoffshausen. Im Anhang, die Briefe John Thurloes an Bulstrode Whitelock und sein Bericht über die Cromwell'sche Politik für Edward Hyde. (Innsbruck, Wagner, pp. xv, 224.) This is a concise history of the two Protectorates, based chiefly upon Thurloe's correspondence and utterances, and told in such a manner as to make Thurloe the leading figure in the narrative. The selection of material and manner of presentation are abnormal, and can only be justified, if at all, with reference to the author's purpose, which is to make clear Thurloe's part in the internal and external affairs of the Protectorate. This is necessary, he thinks, to a proper understanding of Cromwell's career and character. He is of the opinion that Thurloe's influence extended beyond the comparatively minor matters of administration and

the conduct of negotiations, to broader questions of state policy. If this were true, this plan of presentation might be a suitable one. But he is unable to show that Thurloe played so important a rôle. He admits as much with regard to foreign affairs, though one would expect Thurloe's influence to appear here if anywhere, and in the absence of evidence to support this view, one may be pardoned for questioning whether Thurloe, with all his intelligence and tact, was just the sort of man to exercise a decisive influence over so masterful and domineering a character as Cromwell.

This undue prominence given to Thurloe and to his correspondence distorts the perspective of the book and leads to an occasional neglect of other important sources of information. It seems a little odd, to mention a minor point, that a book written in German should fail to mention Cromwell's attempt to secure a foothold in northern Germany, while similar efforts of his in Flanders are given due prominence. It is true the attempt to secure Bremen finds scarcely an echo in Thurloe's writings, while the acquisition of the Flemish cities is given great prominence there; but a modern writer should hardly follow the same plan. As an instance of omission, Nieupoort's dispatches may be mentioned, which throw much light upon Cromwell's foreign policy, and also upon Thurloe's management of negotiations. Yet, notwithstanding these defects, the book offers a sketch of the period which is by no means unacceptable. It is the fruit of much conscientious labor, and is so crowded with facts as to make heavy reading.

The last eighty-four pages are devoted to documents, for the most part hitherto unpublished. Twenty-three letters of Thurloe to White-lock in Sweden cover the period from December 2, 1653, to May 16, 1654. Three versions of Thurloe's very important account of foreign affairs under the Protectorate, furnished by him to the ministry of the Restoration, are arranged in parallel columns for purposes of comparison, and an attempt is made to determine their relations to each other. This had never been done before, and the material was difficult of access. The frontispiece is an interesting reproduction of Dobson's portrait of Thurloe in the National Portrait Gallery.

GUERNSEY JONES.

*History of the Russian Fleet during the Reign of Peter the Great.* By a Contemporary Englishman (1724). Edited by Vice-Admiral Cyprian A. G. Bridge, K.C.B. (London, The Navy Records Society, pp. xxiv, 161). This work is not so comprehensive as its title suggests, for, although it gives some account of Peter's earliest attempts to create a naval force in the Sea of Azov and the Black Sea, it is almost wholly a history of the Baltic fleet, written up quite in log-book fashion. The editor conjectures that it was intended for publication upon the author's return to England. In some manner it found its way back to Russia, where it was translated and published two years ago by Count Poutiatine.

The author is so careful to avoid all reference to himself that it is



impossible to say more of him than that he was an officer in the service of the Tsar. His observations indicate close acquaintance for many years with every phase of the development of the Baltic fleet, and after reading his pages one feels the very atmosphere of the creative process, and is sure that he knows at least this side of Peter's life in a more real way than is possible even through the vivid, often lurid pictures sketched by Waliszewski. It has been the fashion of late to point out that Peter was hardly more than a continuator in most of the reforms which he undertook. Even in shipbuilding his father had set him the example. But the construction of the Baltic fleet, and, through it, the acquirement of sea-power in those waters was, as Vice-Admiral Bridge remarks, the "one reform or innovation in which Peter the Great's originality of conception is indisputable."

It is evident from the narrative that the new fleet helped in the winning of the final victory over the Swedes, although at all times powerless to cope with a well-handled fighting force. Its deficiencies were those of a complicated mechanism, improvised hurriedly, and placed in the hands of inexperienced men, with an insufficient number of trained leaders. In his later pages the author points out these deficiencies unsparingly, for he becomes more frankly critical as the term of his service draws to a close. They were bad seamanship, particularly in heavy weather; such clumsy steering that the lower portholes had to be kept shut lest the water rush in; panic terror at the approach of the enemy; the reckless handling of powder charges, and wild firing, so that the Swedes were in less danger of being hit than were the Russian ships themselves of being blown up. In seeking the causes he intimates that the principal one is ill-usage of foreigners, by reason of which "none go there unless incapacitated to live in other countries." It is curious to note among the foreigners who did serve the name of a New Englander, George Paddon, Rear-Admiral of the White.

Vice-Admiral Bridge has done his work with a scholarly thoroughness, and has added several appendices, on the Swedish navy of the period and other illustrative matters.

H. E. B.

*Bonaparte et les Iles Ioniennes; Un Épisode des Conquêtes de la République et du Premier Empire (1797-1816).* Par E. Rodocanachi. (Paris, Félix Alcan, pp. xi, 316.) The Greek author of this work, after writing much on medieval Italian history, has taken up an obscure but fascinating episode in the long history of his own land. In a sense this, too, is a chapter of Italian history; for the seven islands had been an appanage of Venice for six hundred years, when Napoleon laid covetous eyes upon them and declared in 1797 that "Corfu, Zante and Cephalonia concerned him more than the whole of Italy." To possess them (he thought) was to hold the key of the Adriatic, to checkmate England at Malta, and ultimately to destroy her by the occupation of Egypt. How the isles were snatched from the palsied hands of Venice; how they

were held squirming in the uncertain hands of France—now promised all the delights of democracy, now realizing a well-nigh untempered despotism; and how, after an heroic resistance through a five months' siege, Donzelot and his gallant garrison at last yielded to English arms and "The United States of the Ionian Islands" arose under English protection—all this Rodocanachi rehearses in a most vivid and dramatic way. We cannot at the moment (at Athens, September 30, 1899) control his authorities, but his array of sources appears ample and he appends some fifty pages of original documents, including the diplomatic correspondence of Capo d'Istria, afterwards President of the new Greek state. At all events, he has given us a notable sketch of the modern Greek mind in its rebound from Venetian rule, as it began to dream again of Platonic republics—in the air; and one who turns the story over, as the present writer has just done, on the parapets of the old fort at Corfu which Donzelot stoutly held for Napoleon even after Napoleon had fallen, will be grateful for the strong light now thrown upon an episode so obscure. No student of modern Greek history can afford to leave the book unread.

J. IRVING MANATT.

*Dispatches and Letters Relating to the Blockade of Brest, 1803-1805*, edited by John Leyland. Vol. I. (London, The Navy Records Society pp. lxvi, 369). This volume, the material of which is chiefly from public sources, but in part is drawn from the papers of Admiral William Cornwallis, who commanded before Brest, covers a wider field than its title indicates. The book treats not only of the blockade of Brest, but also of all kindred operations throughout the Bay of Biscay; in fact it seeks to illustrate the entire blockade of France from the Atlantic side against the similar work done by Nelson in the Mediterranean.

But while the book is thus general in its scope, its contents are not correspondingly interesting. The editor has attempted to overcome this defect in his material by devoting proportionately less space to routine operations in the later portion of the volume; still it is a question whether he has succeeded in producing a work of deep interest. This does not imply censure. The French made no effort to break up the blockade, which accordingly sank into a routine offering little if any opportunity to raise an account of it above the monotonous. Yet even here Mr. Leyland has emphasized a point of interest: that Nelson's idea of a blockade—Cornwallis followed much the same system at Brest—was not to imprison the enemy, but rather to tempt him to a struggle in the open, above all not to allow him to escape unnoticed. And in other respects the book is not without living touches. There is something impressive in the simple orders which reopened a struggle reaching ten years into the past and about to extend twelve into the future; the notices of the press-gang at the opening of the volume recall a practice which happily has passed away with the necessity that forced it into being; and the occurrences reported in the ports of Spain are interesting in themselves and illustrate the peculiar position of this power, which



was as neutral in the contest as her weakness would permit ; she opened her ports to both belligerents, but in practice Napoleon's military predominance secured unequally favorable treatment for French vessels in her harbors.

Mr. Leyland has added an interesting group of a dozen or more letters, obtained in the Paris archives, from Napoleon and his Minister of Marine Decrès and Caffarelli the naval prefect at Brest. They reveal such a state of ill preparation in the French ports that Napoleon's project of invading England seems to have been somewhat impracticable even before Trafalgar. This volume reaches to July, 1804, and another is to follow.

H. M. BOWMAN.

*Letters and Papers of Admiral of the Fleet Sir Thomas Byam Martin*, edited by Sir Richard Vesey Hamilton, G.C.B., Admiral. Vol. II. (London, Navy Records Society, pp. 416). This volume—the second of three, of which the first and third are as yet unpublished—covers Admiral Martin's work in the Baltic in 1808, 1809, and 1812, and his mission to Wellington in Spain in 1813. Admiral Saumarez was chief in command on the Baltic station at the time, but Martin did much independent work especially in protecting British commerce along the coast of Prussia northward toward the Gulf of Finland, and in this selection from his papers one can follow the actual workings of the system whereby Great Britain nullified the Berlin Decree in practice and preserved her commerce even in Europe despite Napoleon's opposition.

Martin's operations were suspended annually on the approach of winter, hence each season forms a unit, and his correspondence falls naturally into a division according to the years. The letters of 1808 are of little interest save as to Martin's capture of the *Sevelod* (Russian) and Saumarez's subsequent failure to attack the Russian fleet in Port Baltic—a much discussed question which here is solved by the answer that Saumarez refrained from attack by the advice of his subordinates best acquainted with the situation, Martin and Hood. In 1809 the German situation was complicated by the Franco-Austrian campaign, and the heightened interest is reflected in this correspondence: the Austrians overran the Grand Duchy of Warsaw to Thorn, and for a time Martin hoped they would enter Prussia and join him in an attack upon Danzig. But the chief interest of this volume centres in the year 1812, when the admiral, after two years of comparative inactivity as captain of the royal yacht, returned to the Baltic at the time when Napoleon's invasion of Russia drew the attention of Europe to this quarter. Martin's work was now to support Russia: he shared in the direct defence of Riga and also created a diversion in favor of this city by a feint of landing before Danzig. A point of importance is that Martin's station in this year at Riga was on the line of communication between England and the seat of war, and his correspondence reports the course of the contest so far at least as Russia allowed it to become known.

The letters of 1813 bring us into contact with Wellington's work in Spain, but not in a connection of the highest interest. Wellington had complained of insufficient naval support in the Bay of Biscay, and Martin, at the time second in command at Plymouth, was sent to investigate. He effected an arrangement without difficulty.

H. M. BOWMAN.

*A Political History of Europe since 1814*, by Charles Seignobos, of the University of Paris. Translation edited by S. M. Macvane, Professor of History in Harvard University. (New York, Henry Holt and Co., pp. xxi, 881.) Professor Macvane says in his preface: "In a few points this is not a simple translation. Here and there a phrase or even a whole passage has been omitted—sometimes because the subject-matter seemed of little importance to students in this country, sometimes because it could not have been intelligible to ordinary readers, without explanatory notes for which space could not be easily afforded. In the chapters on England I have taken somewhat larger liberties. In his treatment of recent English history Professor Seignobos seems to me to have been less successful than in the rest of his work. In trying to remedy imperfections I have not thought it expedient to distract the reader's attention with marks indicating my departure from the original."

Turning to the chapters on England we find that much the larger part of them has been left intact; the changes are only occasional. The following are some of the most important variations from the original: Some two pages (13-14) have been added upon the struggle of George III. against Parliament, the kindred matter of the original having been discarded. This is an improvement. The passage on the poor-relief system (pp. 44-46), has been in large measure rewritten, but the new matter is at one or two points less definite than the original. On page 55 a paragraph has been added making clearer the Irish situation about 1832. There are several changes in the section on trade-union legislation, the most important being the addition of a paragraph on the legislation concerning strikes. A somewhat fuller statement is given (p. 80) of the rule of 1881-82 for closing debate, and a paragraph has been added on Gladstone's second Irish Land Act (1881). There are several changes in the account of the electoral reform of 1884-85, with the result, as a rule, of greater definiteness and clearness. The matter upon Irish affairs from the middle of page 87 to the middle of page 90 is new.

The variations from the original in the other parts of the work are chiefly in the way of omissions—phrases, sentences, whole paragraphs,—but the translator has occasionally added a foot-note of value.

Granting the translator the right to alter the author's thought or even substitute his own, little fault can be found with the translation. There is seldom left the flavor of a French idiom. Professor Macvane has made a number of additions to the bibliography, chiefly titles of books in English. He has also added a full index.

E. C. B.



*The Story of the People of England in the Nineteenth Century*, by Justin McCarthy, Part II. ["Story of the Nations."] (New York, Putnams, pp. vii, 261). Although Part I. of this work brought the story in some particulars to 1835, Part II. begins with 1832. This second volume carries forward the history of reforms in Mr. McCarthy's admirable and interesting manner, fulfilling in most respects the expectations created by the former. A chapter entitled "The Convict Ship" relates the history of the penal system and its reform, and discusses the barbarous methods of dealing with political prisoners. The various Irish questions are handled with frankness and comparative fullness. The history of the Great Reform having been told at some length in the first volume, the later Parliamentary reforms are dealt with more briefly.

The chapters of the book preserve, on the whole, chronological sequence, but they often have a wide range as regards both time and matter. The chapter on "The Foundation of the Canadian Dominion" includes also an account of the efforts of the Australian colonies towards federation. A few of the chapters are largely collections of odds and ends, personal and political. Such a one is that entitled, "The Waning Century." That bearing the title, "The Close of a Great Career," may be misleading, since it is made up of a number of obituaries and some paragraphs on political topics, and only closes with a brief account of Mr. Gladstone's last days. These obituaries, which usually contain neat characterizations, elsewhere often interrupt the course of the narrative.

There is an interesting chapter on "Steam, Telegraph and Postage." The chapter on "Literature, Art and Science" is too brief (six pages) to be satisfying; but the scattered paragraphs relating to these subjects which are printed elsewhere go a good way towards making up for this deficiency. There is otherwise some lack of proportion in the book, since nearly three times as much space is given to the first twenty-five years of the period as to the last forty.

As the volume covers practically the same period as the author's *History of Our Own Times*, a comparison of the smaller with the larger work naturally suggests itself. That Mr. McCarthy has had his former work before him while writing, would seem to be evident from the similarity of many passages, but that he has really written this book anew, appropriating very little of the other in direct form, is also evident.

Whatever the criticisms that may be made upon the book, if one wishes to catch the spirit of nineteenth-century England and keep it, he should read these volumes. There are forty-six excellent illustrations, chiefly portraits.

EDMUND C. BURNETT.

Dr. W. Evans Darby, secretary of the Peace Society of London, has brought out in a new and enlarged edition, published by the Society, a volume entitled *International Tribunals, a Collection of the various Schemes which have been propounded and of Instances since 1815* (pp. 304). The author gives outlines or texts (in most cases, the latter) of

the arrangements of the Amphictyonic Council, of the *Grand Dessein* of Henry IV., of the schemes of William Penn, Abbé de St. Pierre, Bentham, Kant, Leone Levi, the Institute of International Law, Professor Corsi, etc., and the chief arbitration-treaties and conventions of the last twenty years. Upon this useful collection of texts ensues a list of one hundred and fifty-eight instances in which arbitration or mediation has been successfully tried during the period since 1813. An addendum of seventy-nine pages, also published this year, gives, beside some passages from Kant and other publicists, the text of the Treaty of Washington, 1871, and of the convention drawn up by the Peace Conference held at the Hague during the last summer.

In his entertaining series of historical gossip M. Imbert de Saint-Amand has reached the Italian war of 1859, which he describes in a volume called *France and Italy* (Scribner). He writes this time not merely to tell an interesting story, but to remind his countrymen of days of victory and glory; for Frenchmen, he says, have fallen into the habit of remembering Sedan and Metz, and of forgetting the splendid achievements of Magenta and Solferino. We need not expect, therefore, that a work thus conceived will give a complete or an impartial statement. In 1859 the Second Empire was already hollow; but M. de Saint-Amand paints only the glittering surface as it then appeared. The unpreparedness of the French War Department, the astonishing blunders of the planners of the campaign, the incompetence (with a few exceptions) of the officers, are hardly hinted at. Napoleon III. appears as a great man in every respect. But the real entertainment of this book comes from its vivid descriptions of persons and events, some compiled, others given in extracts from contemporary letters or memoirs. If the author would cite his authorities exactly, serious historical students might find in him more than mere amusement. The volume has several portraits: that of Cavour is from an inferior original.

*Glimpses of Modern German Culture*, by Kuno Francke, Professor at Harvard University (New York: Dodd, Mead and Co., 1898, pp. 233). True to its title this work affords many clear glimpses of the trend of thought and civilization in recent and contemporary German history. In fourteen sketches, already published in different periodicals, Professor Francke, having the peculiar advantage of native acquaintance and the perspective his American standpoint allows, treats concisely fourteen subjects of social, literary and historical interest.

In his introduction the author speaks plainly of the unrest and the perplexing questions among the Germans at the present time—of the still evident strife between church and state, the conflict between monarchy and democracy, the “struggle between industrial bondage and industrial freedom.” He does not wholly deplore this friction for he sees therein the stimulus for new life in art and literature.

Especially instructive is the discussion of the Socialist situation, which shows that the party of that name is in no sense represented by a



mob, but is gradually combining the liberal elements of the country. Many socialist organizations are pledged to the spread of culture and refinement. Moreover the party as a whole, in spite of government interference and persecution, already has great strength in numbers and "if unchecked by international conflicts or other complications" will be found to have quietly but steadily evolved a resistless force "which will control the majority of the Reichstag."

Without lengthy consideration in any case the sections upon living authors give a distinct idea of the "literary revival which has been so brilliantly initiated by the dramatic achievements of Sudermann and his associates." Here as in his *Social Forces in German Literature*, Professor Francke looks "at the substance rather than the form of literature" which he considers "chiefly as an expression of national culture." *The Sunken Bell* of Hauptmann proves that not merely transient themes are being treated but themes that lie near the heart of all mankind. Significant too as factors in this new awakening are such productions as the poems of Johanna Ambrosius, the criticisms of Hermann Grimm, the stories of Seidel and Rosegger, Wildenbruch's *King Henry*, Hauptmann's *Florian Geyer*, Max Halbe's *Mother Earth* and Sudermann's *John the Baptist*, whose chief character Professor Francke believes worthy of Schiller's genius. Not unlike the spirit of Hauptmann is that which actuates the artist Arnold Böcklin. His Prometheus ("worthy of Aeschylus") and other bold conceptions indicate the "creative vitality" which raises him above the copyist and "makes him a representative of modern life." Bismarck is presented as the very incarnation of German character, socially, intellectually, religiously: the cool reasoner, the unbiassed thinker, one of the few men who "tower in splendid solitude above the waste of the ages."

In this exceedingly useful book the information is compactly given, the style is pleasing. Anyone desirous of knowing the Germany of to-day, its people or its literature is sure to read with interest and find incentive for further investigation.

*Source-Book of American History.* Edited for Schools and Readers, by Albert Bushnell Hart, Ph.D., Professor of History in Harvard University. With practical Introductions. (New York, Macmillan, pp. xlvii, 408.)

The purpose of this book is to make illustrative material in American history accessible to secondary schools. Such a book, to supplement the work of the text, has long been a desideratum, and Professor Hart has performed a valuable service in making it. The general plan of the book is the same as that of the editor's *American History Told by Contemporaries*. It has elaborate introductions giving many helpful suggestions to teachers on the use of sources; these are written by the editor, by Mr. Ray Greene Huling, headmaster of the Cambridge English High School, and by Professor Emma M. Ridley, of the Iowa State Normal School. There are also long lists of carefully selected subjects for topical study

from sources, brief bibliographies, and on each page marginal explanatory notes.

The book contains one hundred and forty-five selections, of which seventy-five relate to the period since the organization of the national government. Very few of these are documents. They are mostly letters, extracts from books, pamphlets and periodicals, extending from the time of Columbus to the war with Spain, and reproduced in the typography and spelling of the original editions. They are well-chosen and make a most useful and interesting book, which if rightly used by the teacher will greatly assist the student in vitalizing the past and in stimulating his interest in it.

There are few errors. The values given by the editor for 20 pounds of silver and 80 pounds of gold in England in 1578-1579 may be questioned. These are stated as \$300 and \$40,000 respectively (p. 10). Probably the exact ratio between the two metals for this year cannot be determined. The average ratio between 1561 and 1580 is given by W. A. Shaw (*History of the Currency*, p. 68) as 11.5. Relative to "An act for preventing Negroes Insurrections" in Virginia, the statement is made that "there were many insurrections in colonial times, especially the so-called 'New York slave plot' of 1741" (p. 95). We read of many plots—but it is extremely doubtful whether any considerable number of them had any real existence; and as to insurrection, as Professor Alexander Johnston has said, "it was regularly individual, and most of it was only revolt by legal construction." The evidence of the New York plot is of the flimsiest sort.

JOHN WILLIAM PERRIN.

*Topical Studies in American History*, by John G. Allen (New York, Macmillan, pp. xxxvi, 93). This little book is the second edition of a work published by Mr. Allen in 1885. It is, as the name implies, an outline of American history, arranged by topics, rather than in strictly chronological order. An introduction gives suggestions as to methods of teaching, and this is followed by ten pages of "Memory Lessons," comprising an outline of American history from the early explorers to the present time, which is to be committed to memory. This includes a list of "such memory gems for declamation . . . as shall promote in the hearts of American youths a deep and abiding love for their country." The "General Topical Outline" of the history of the United States covers sixty-eight pages, and includes a synopsis of the government under the heads, "Legislature," "Executive," "Post Office" and "Judiciary." A "Chronological Conspectus" follows. This is a list of dates in chronological order, from the discovery of Iceland to the Peace Congress at the Hague. Marginal references to secondary authorities and to works of fiction are given with some fulness. A few collections of source-material are quoted, but so well-known a book as MacDonald's *Select Documents* is not mentioned among these.



Dr. John P. Peters and Mr. W. P. Peters have privately printed in a volume of 219 pages, the *Diary of David McClure, Doctor of Divinity, 1748-1820*. Dr. McClure spent his boyhood in Boston, was graduated at Yale College in 1769, was minister at North Hampton, N. H., from 1776 to 1785, and from 1785 to 1809 at East Windsor, Conn. But the diary relates mostly to the years 1765-1775. Before going to college the diarist had devoted himself to the work of a missionary among the Indians, and had studied with Dr. Wheelock at Lebanon and visited the Oneidas. After graduation he was for a few years head of Moor's Charity School and tutor in Dartmouth College, of whose early days he gives an interesting picture. In June 1772 he set out, under the auspices of a Scottish missionary society, to labor among the Indians in the regions of the Muskingum. At that time there was no church west of the Alleghanies. The most valuable part of the volume consists of the portion which relates to this journey—4268 miles in all, the diarist computes. He gives many interesting glimpses of frontier life in Western Pennsylvania and the Ohio country. After a year, the state of the Delaware Indians being such as to preclude the hope of success, Mr. McClure returned to New England. The narrative of the next few years contains several entertaining pages. Mr. McClure kept at Portsmouth, during the winter of 1773-1774, a school for girls; "this is, I believe," he says, "the only female school (supported by the town) in New England." He visited Governor Hutchinson on errands of Dartmouth College. Preaching at Portsmouth and at Boston, he was at the latter place at the time of the battle of Lexington. "The 15th. I went to a guard house of the British, to see Mr. Piety, the Conductor of the Artillery, with whom I had been acquainted at Fort Pitt. I found them engaged in filling cartages for Cannon, from a tub of powder. Mr. Piety arose and walked with me into the Street. He informed me that they had orders to march into the country in 4 days, and were much engaged in preparing. . . I mentioned to sundry people in Boston my information, without exposing the officer's name. But people were unwilling to realize that war was at the door. One and another said, it was one of Gage's blustering manoeuvres, and that he durst not send his soldiers out." On the 20th, Mr. McClure visited the line of retreat of the British, and saw some of the killed and wounded.

The volume is admirably annotated by Professor Franklin B. Dexter of Yale College.

*Pictures of Rhode Island in the Past, 1642-1833, by Travellers and Others*, by Gertrude Selwyn Kimball (Providence, The Preston and Rounds Co., pp. 176). This volume consists chiefly of extracts out of old books, from Thomas Lechford's *Plain Dealing* down to Thomas Hamilton's *Men and Manners*, in which there are descriptions of Rhode Island, or of Providence, or of Newport, as they appeared in former times. Miss Kimball has collected more than sixty such notices, all well worth printing, and surprisingly varied in character. She shows Rhode

Island as it appeared to natives and strangers, Frenchmen, Englishmen, Scotchmen, Yankees and Southerners, Puritans and Quakers, priests and soldiers, royal officials and private travellers. To name but a few, we have here the impressions of observers as various and as competent as Lord Bellomont, Madam Sarah Knight, Dean Berkeley, Chief-Justice Horsmanden, Brissot and La Rochefoucauld, Josiah Quincy and President Dwight. An especially interesting group is that of the French officers of the Revolutionary War. To each extract Miss Kimball has prefixed a brief introduction, executed in a scholarly manner and pleasantly written, containing an account of the writer sufficient to enable one to perceive his point of view. The book is handsomely made and is well adapted to entertain and instruct all those who are interested in the history of Rhode Island.

The *Third Annual Report of the State Historian of New York* (Albany, The State), is a volume of 1158 pages, of which over seven hundred are occupied with muster-rolls, chiefly of the years 1760 to 1775. The first hundred pages are devoted to letters relating to incidents in the Civil War. A more valuable portion is that (pp. 157-436) in which the records of the colonial government are pursued, in continuation of last year's installment, through the years 1673, 1674, and 1675. Here are many documents of much value for the history of New York, and also of Martha's Vineyard and Nantucket. But the extraordinary course has been taken of printing only those documents which are in English. Those which are in Dutch are mentioned by title, but are otherwise ignored, neither original text nor translation being given. Upon a rich state containing seven million people, twenty-seven colleges and a score of historical societies, and whose governor is an eminent historical scholar, volumes of "history" edited as these are can reflect little credit.

*The Backward Trail: Stories of the Indians and Tennessee Pioneers*, by Will T. Hale (Nashville, The Cumberland Press, pp. vi, 183). This book is a series of sketches of early Tennessee history, ranging, in a way, over the period from the earliest discovery of the soil to 1800. While the book concerns itself principally with the picturesque features of pioneer life, particularly with incidents of heroism, there is also an outline of the history of the time; but this outline is apparently constructed mainly to serve as a frame-work for the stories, and, such as it is, after a few chapters it fairly fades away.

The stories are culled from the older writers, and even in the telling of them there is little that is new. This is not necessarily a bad thing.

One would not often expect to improve upon the graceful style of Hay-tiger of Ramsey. Accordingly many passages from these historians of the state are embodied in the book entire and by quotation-marks. There are many paragraphs, pages for some slight changes, might also have been so designed. In some respects it is a disappointment that the author did



not give at least a more original tone to the stories. The process of gathering, combining and condensing has sometimes involved the narrative in obscurities. It should be said, however, that occasionally in descriptive passages, where the imagination has full swing, the author strikes an original vein that is pleasing; not always, for his sentences have an exasperating tendency to what rhetoricians call "looseness."

In the extracts from other writers the author takes rather large liberties, in modernizing or otherwise altering the text. In Donelson's *Journal* of the voyage from the upper Holston to the present Nashville (the journal is given entire) there are numerous variations from the copy in Ramsey, which is presumably the source of Mr. Hale's copy. Is it not false modesty that impels Mr. Hale to alter: "The wife of Ephraim Peyton was here delivered of a child" into: "A child was born to the wife of Ephraim Peyton"? Or to make Haywood say "abdomen," when he really wrote "belly"?

There are chapters on the social and religious life of the pioneers, on the Indians, on the Mound-Builders, and one on constitution-making. The most important part of this chapter is an analysis of the constitution of 1796, and this—with omissions—is taken from Caldwell's *Constitutional History*.

The work will without doubt prove to be interesting reading, but had Mr. Hale confined himself to the literary features of his subject, his work would probably have commended itself more favorably. There is abundant room for work of that character.

EDMUND C. BURNETT.

*White and Black under the Old Régime*, by Virginia V. Clayton (Milwaukee, The Young Churchman Co., pp. 195). In this little book we have the reminiscences of the widow of General Henry D. Clayton of the Confederate army. Mrs. Clayton's motives in writing were, she tells us in her preface, to fulfill a request of her husband's, to enlighten Northern readers as to the real nature of Southern slavery, and to please the circle of personal friends to whom, rather than to the general reader, her book will most appeal. It is a simple straightforward account of the home of a Southern girl and woman, on an Alabama plantation, from 1835 to 1886. The author describes her childhood days, and her life at a Southern boarding-school, and gives at some length the details of the domestic management of the plantation. The most interesting part of the volume is that describing a few months' stay in the territory of Kansas, in 1856, when General Clayton was entrusted with the dispensing of the funds raised by the states of Alabama and Georgia for the purpose of taking out emigrants to vote for the Southern party in the approaching election. The second half of the book describes the Civil War, and its effects upon the quiet plantation life. The period of reconstruction is treated with simple dignity and with a strong sense of justice. General Clayton's career after the close of the war, as circuit judge of Alabama, and as president of the University of Alabama, at Tuscaloosa, are briefly

touched upon. The book is written in an unpretending, at times almost school-girlish, style, and is strongly religious in tone. Slave-holding is justified by numerous citations from the Scriptures. The introduction, by Mr. F. C. Morehouse, does not add to either the interest or the value of the volume.

*The Clay Family.* Part First: The Mother of Henry Clay. By Hon. Zachary F. Smith. Part Second: The Genealogy of the Clays. By Mrs. Mary Rogers Clay. [Filson Club Publications, No. 14.] (Louisville: The Filson Club. 1899. Pp. vi, 252.) Beginning, as far as authentic record goes, with an ancestor, Charles Clay, of Henrico County, Virginia, who in 1676 showed the inherent democratic instincts of the family by taking the side of Nathaniel Bacon, in the popular revolt against the government, the family of Clay has spread widely through Virginia, the West and South, and produced a number of really eminent men.

The first section of the book here treated of gives all that can be learned, from tradition and the recollections of those who knew her, of the mother of Henry Clay. Mr. Smith has succeeded in presenting pleasant, though (from lack of information) not a very vivid picture, of a woman of the courage and spirit we should expect in the mother of "Harry of the West."

In the second and larger section Mrs. Mary Rogers Clay has prepared with great care, and with labor such as no one can appreciate who has not done similar work in the same section of country, an account of the various branches of the family down to the present day. With the exception of her first few pages, where she falls into the common error of inexperienced genealogists, in believing that persons of the same surname must be sons or brothers, as might best suit their dates, there is nothing to criticize, and much to commend in her work. Unfortunately she assumes that a John Clay, who received an early grant of land, which was regranted to his son William, was also the father of Thomas Clay of Surry County, Francis of Northumberland, and Charles of Henrico, to whom the family treated of can be traced. There is not the slightest proof in either case, and the records of Northumberland County, together with information found in England some years ago by Mr. Waters, and published in the *New England Historical and Genealogical Register*, show conclusively that Francis was not a brother. It should be added that belonging to the middle class was no evidence that the immigrant ancestor was not as well born as many of the planter class. Mr. Smith, however, the author of the sketch of Mrs. Clay, is not so free from these genealogical sins. He quotes, without any expression of doubt, traditions about a descent from a Mr. John Clay, who had three sons (the ever-recurring "three brothers") settled in Virginia with £10,000 sterling apiece, which he had bestowed on them! Of course there is no proof of anything like this. As has been said, the line can not be traced beyond Charles Clay, living in Virginia in 1676.

Contrary to the traditions quoted, every one who is acquainted with



the records and history of the counties in Virginia in which the Clays lived, knows that during the colonial period they did not rank with the gentry or ruling class. Neither in Henrico nor in Chesterfield was a Clay a magistrate (one of the best tests of a family's position), and nowhere in the records of these counties, so far as I am acquainted with them, is a member of the Clay family styled "gentleman." The fact is, that the Clay family was an example—probably the best example—of the prosperous yeoman farmers (using the word in an English sense to make the meaning clearer) who have always composed the great majority of the rural population of Virginia. It is strange that in the past many writers (especially those hostile to Virginia) have been apparently ignorant of the very existence of this great part of our people, and have appeared to think that Virginia was inhabited solely by the "planting aristocracy" and the "poor whites." There was never any impassable line between this middle class and the aristocracy (using the word solely to mean the large-property-holding and the office-holding class) and movement from one to the other, in both directions, was constantly going on.

Such mistaken views, due to a very pardonable family pride, which shows itself in almost every published genealogy, have deprived this book of an instructive lesson to the student who is interested in genealogy on account of the light it throws on the history of a people. It would have been of value to show that there was this great middle class in colonial Virginia, that this class was composed of such people as the Clays were, and that under changed and more liberal conditions such families could produce such men as the family of Clay has done.

But Mr. Smith and Mrs. Clay did not write with a view to furnishing side-lights on the history of the Virginia people, but to prepare a memoir of the mother of Henry Clay, and a genealogy of the Clay family, and these purposes they have, with the exceptions noted, carried out admirably. The book is published in the usual sumptuous fashion of the Filson Club, and contains twenty portraits.

#### COMMUNICATION.

TO THE EDITOR OF THE AMERICAN HISTORICAL REVIEW:

*My dear Sir:*

There are members of the American Historical Association and readers of the AMERICAN HISTORICAL REVIEW who, having subscribed to the *Letters to Washington*, have a right to be informed how far Mr. Worthington Chauncey Ford is justified in his criticisms on that work or to what extent his review is based on his own individual theories (see his review in Volume IV., No. 4, July 1899, page 729). In justice, therefore, to such subscribers; to students and historical writers who will use the *Letters* in connection with their own work, I hope I may be given an

opportunity, on the eve of the appearance of Volume II. of the series, of replying to a part of Mr. Ford's censorious review,—a part only, for it were useless to discuss the dogmatical statements made by Mr. Ford regarding both the mechanical and the editorial side of the work. His statement, for example, "that capitals and abbreviations are interesting from the study of character they permit, but inserted words may be embodied in the text, and altered words unless they materially altered the original meaning may be omitted," hardly agrees with his first statement that "the text must be accurate *and as the writer made it.*"

Why should "Thorton" be either of two other things, according to Mr. Ford, when it is "Thorton" in the original manuscript; or when Colonel Stephen continually wrote "Walkins" (pp. 121, 129, 136) should it be printed, as Mr. Ford would have it, "Watkins"; and when it is clearly "Triplep" in the original should it be changed *in the text* to "Triplett"? The correct spelling of proper names "carelessly" (?) written in the manuscript may be arranged in the index, but in the body of the work the print should follow the original. Why could not Moracatootha have been an "agreed" friend to the English? *Agreed* is perfectly intelligible and it is so in the original, notwithstanding Mr. Ford's suggestion that it is more likely to have been "a good or great friend." "Conigockieg" would be a remarkable printing of Connecheague were it not that Commissary Walker so wrote it. As to "Talmuth" for "Falmouth" I fail to find it where Mr. Ford says it occurs (p. 136). A reviewer so very critical should be more careful.

As to Mr. Ford's "probable" readings may I not ask why, when Mr. John Carlyle wrote "Car? on the N. first cost", should it have been changed by me even in the exercise of a "personal quality" to "carry on their"? If this edition of the *Letters* was intended as an historical primer I might have noted that the sentence written in full would be "carrying on the nett first cost." Also in regard to "Grass Guard" (page 142) which Mr. Ford does not understand and for that reason apparently, drags it in to swell the total of his criticisms. I might have noted that the detachment of men guarding pasturage was so styled, but this I think would occur to anyone reading those letters wherein the subjects of cattle and of pasturage are dwelt upon, or to any one at all familiar with the commissary methods of the period.

I regret, with Mr. Ford, that "conjecture fails to disclose the reference to the Ciprian Dame (p. 39) and to XVIII. f. f. D. (p. 329)." In the first case the Chevalier Peyrouny indicates by a cross-mark where he would have inserted in the body of his letter certain words *written in the margin*. I so inserted them, having read them as printed. On referring again to the original manuscript I see no reason to change my reading. In the other case XVIII. f. f. D. is printed as written. No note could have made it plainer that it refers to the Drafts, the first subject of Col. Stephen's letter.

If a comparison were made of these literal prints word for word with the original manuscripts it would be found that both the printer and the



editor have performed their task conscientiously and that they have proven that it is not the impossible task it appears to Mr. Ford to reproduce in type the peculiar and often characteristic oddities of writing encountered. It seems, however, beyond even the most painstaking care to be never without a slip in such exacting work; but it is a source of satisfaction that even with Mr. Ford's minute scrutiny so few and such obvious misprints have been found, especially when the difficult character and almost illegible condition of many of the manuscripts are considered.

Mr. Ford has, however, pointed out some typographical slips in the printed text. "I have seen a breviate comission" (p. 12), should read "I have sent"; "P. A." (p. 138) should read "P. H.",—Peter Hog, naturally; "esputed" (p. 160) should read "expected"; and again "prenium" (p. 358) should read "premium." The sense is in each case obvious, and while this is no excuse for such misprints, yet they are surely not of such character "that serious doubt must apply to the entire text as printed," as Mr. Ford asserts.

Where Mr. Ford's criticisms are just and tend to eradicate errors, they are appreciated. But where, whenever he does not understand the text, he takes it to be an error or an evidence of *careless* reading of the manuscript or of the proof, and appears to depend upon his memory as to the manner in which the original was written, he goes beyond the limits of fair criticism and unjustly censures that which he does not understand.

I remain, my dear Sir,  
Very truly yours,

STANISLAUS MURRAY HAMILTON.

[Upon submitting a copy of the above communication to Mr. Ford, the managing editor has received the following reply:

"I cannot but think that Mr. Hamilton reads into my review a spirit which was not intended. A manuscript should be printed as the writer made it; but this does not mean that every flourish, blot or interlined word should be reproduced. Further, in cases of doubt, it is better to print a proper name in a form which approaches a correct one, than to go out of one's way to produce a form remote from the true and therefore misleading. If the manuscripts are in as bad condition as Mr. Hamilton says they are, he could have erred on the right side, and not read a *c* for an *e*, *n* for *u*, *k* for *h*, *a* for *u* and *n*, or *vice versa*. The function of an editor is to make a manuscript intelligible to the reader, and the reviewer's experience might have saved him from the charge of dogmatizing. Even Mr. Hamilton's explanation leaves it an open question whether his *Conigockicg*, *Wa/kins* and *Triplep* are true readings of the manuscript, as the places and names are well known. Does Mr. Hamilton leave an *i* undotted? If not, why make an uncrossed *t* into an *l*?"

## NOTES AND NEWS

The fifteenth annual meeting of the American Historical Association was held at Boston and Cambridge on December 27, 28 and 29, and was in several respects the most interesting and successful meeting which that body has ever had. The association, which now has 1411 members and property amounting to more than \$12,500, entered upon several new projects or lines of activity. A detailed account of the meetings may be expected in our April issue. The next meeting is to be held in Detroit on December 27, 28 and 29, 1900. Professor A. C. McLaughlin of the University of Michigan is chairman of the committee on the programme and Hon. Peter White of Marquette of the committee of arrangements.

John Codman Ropes, than whom no one in America had a higher reputation as a student of military history, died in Boston on October 28, aged sixty-three. Though of necessity a civilian, Mr. Ropes followed the Civil War with eager interest, and, led thereby into military history, wrote first a small book on *The Army under Pope*. His book on *The First Napoleon* and *The Campaign of Waterloo* showed him a skillful critic of other wars than ours, and a writer of high merit. His most important work, his *Story of the Civil War*, was left unfinished at his death. The first volume was brought out in 1895, and at once received the highest commendations. The second volume, extending through the year 1862, was recently published, and is to be reviewed, by a most competent hand, in our next number. Mr. Ropes was the founder and leading spirit of the Military Historical Society of Massachusetts, a prominent lawyer, a generous friend of learning, and a most interesting and genial companion.

M. Arthur Giry, who since 1895 had been professor of diplomatics at the École des Chartes, and who was the author of what may be fairly called the leading general treatise on that science, died at Paris on November 14, aged fifty. In earlier life he had been attached to the Archives Nationales. He had published several books on the history of various French municipalities,—St. Omer, Rouen, St. Quentin,—and the development of their institutions in the early Middle Ages, and in 1885 his *Documents sur les Relations de la Royauté avec les Villes de France de 1180 à 1314*. His *Manuel de Diplomatique* appeared in 1894. He was an influential teacher, and a man of great force and probity of character.

Professor Karl von Weizsäcker, rector of the University of Tübingen, died there on August 13-14, in his seventy-seventh year. A pupil of Baur, he had long been professor of ecclesiastical history at Tübingen, and had written a noted book on *Das Apostolische Zeitalter der christ-*



*lichen Kirche*, 1886, a remarkable translation of the New Testament, 1874, and *Untersuchungen über die evangelische Geschichte*, 1864.

M. Jules Flammermont, professor of history in the University of Lille, died on July 29, aged forty-seven. He had devoted himself chiefly to the history of France in the eighteenth century. His chief publications were two volumes of *Remontrances du Parlement de Paris au XVIII<sup>e</sup> Siècle*; two volumes prepared in conjunction with the Ritter von Arneth, of the correspondence of Mercy-Argenteau with Joseph II. and Kaunitz; and a series of *Correspondances des Agents Diplomatiques Étrangers en France avant la Révolution*. The work upon the history of Marie Antoinette upon which he had for many years been engaged was left unfinished at his death, and indeed was ordered by his will to be destroyed, together with all his other papers.

The Chevalier Charles Joseph de Harlez, who for thirty-two years had been professor of the languages of India, China and Persia at the Catholic University of Louvain, died at Liège on July 14, at the age of sixty-six. His translation of the Avesta published in 1875, his writings relating to Zoroastrianism brought out between that date and 1882, and his subsequent publications on the history of Chinese religion, had given him a very high rank among European Orientalists. He was the founder and editor of *Muséon*.

M. Étienne Charavay, the biographèr of Lafayette, died on October 4, aged fifty-one. He was one of the founders of the Société d'Histoire de la Révolution Française, and was noted as a collector of autographs. He edited the first two volumes of the *Lettres de Louis XI.* and the first two volumes of the *Correspondance de Carnot*.

Consul Willshire Butterfield, writer of several books upon the history of Western exploration, of which the latest was a volume on Brulé's expedition, died on September 25, aged seventy-five.

Dr. Moritz Busch, the Boswell of Prince Bismarck, died on November 16, aged seventy-eight.

Mr. Kendric C. Babcock, hitherto instructor, has been made assistant-professor of history in the University of California.

The historical section of the International Congress of the Higher Education, to be held at Paris in the summer of 1900, will especially consider the two questions of the essential conditions of the study and teaching of history in universities, and of the proper content of secondary instruction in history.

The Institut International de Bibliographie of Brussels proposes to issue, beginning in March, 1900, a periodical guide to the contents of the historical journals of the world. The work is to be carried on by a committee in each country, and to be edited in Brussels. Provision is made for quarterly and quinquennial cumulative indexes.

Students of the sciences auxiliary to history will be glad to know of a careful bibliographical review by M. Maurice Prou, *La Paléographie et*

la *Diplomatique de 1888 à 1897* (Paris, Société Bibliographique, pp. 104), separately printed from the forthcoming report of the International Bibliographical Congress. The report is so full and so careful as to be of permanent value to workers.

Dr. Ernest F. Henderson, author of a *History of Germany in the Middle Ages*, has begun the issue of a periodical of unusual plan entitled *Illustrated History*. A sub-title designates it as "A quarterly publication for the purpose of increasing the number of useful references for topical reading in the field of general history;" but that which chiefly impresses the eye is the unusual array of portrait illustrations, derived from contemporary engravings and reproduced with remarkable success. The magazine, of which the first edition is marked as "Printed for private circulation," contains original articles, presumably by Mr. Henderson, on The Kings and Queens of Prussia, The Turkish Imperial Wars of the Seventeenth Century, Ulrich von Hutten and Franz von Sickingen, The Council of Trent and the Order of Jesuits. It likewise contains a first installment of a "Guide to the Study of European History," topics with references; but the references are all in English and therefore of very limited value. In a third section, devoted to original sources, some interesting translations from memoirs and letters are presented.

Messrs. G. P. Putnam's Sons intend to issue a set of ten volumes entitled *The World's Orators*, presenting a representative collection of orations selected as masterpieces of eloquence and also on the ground of their historic influence, and extending from the earliest times to the present day. The chief editor will be Dr. Guy Carleton Lee of the Johns Hopkins University.

With the second volume of Mr. Beazley's translation of Azurara the Hakluyt Society completes its hundredth volume and the first series of its publications. The second series begins with the volume for 1899 and the council of the society holds out to the members a hope that if the number of subscribers, at five dollars annually, is slightly increased it may be possible to issue three volumes each year instead of two.

The directors of the Old South work have brought out as No. 100 of their *Old South Leaflets*, Robert Browne's *Treatise of Reformation Without Tarrying for Anie*, and have now made up a fourth volume out of the *Leaflets* from No. 76 to No. 100.

*The Northwestern Monthly* contains in each issue a series of studies in European history by Professor Fling of the University of Nebraska, and a series in American history by Professor Caldwell of the same university. The plan of both is to lead by extracts and comments into the intelligent study of the original sources.

In the Columbia University "Studies in History, Economics and Public Law," Vol. XII, No. 1, Dr. William Maxwell Burke presents a monograph on the *History and Functions of Central Labor Unions*. The historical portion forms an introduction of some forty pages.



## ANCIENT HISTORY.

M. J.-B. Mispoulet, in a learned and interesting work entitled *La Vie Parlementaire à Rome sous la République* (Paris, Fontemoing, pp. 418), after an introductory account of the Roman constitution, devotes himself especially to the parliamentary antiquities of the senate, and illustrates its procedure by a detailed examination of the most famous scenes and episodes in its history.

Professor F. Cumont of Ghent has published the introduction to his important *Recueil de Textes et Monuments figurés relatifs aux Mystères de Mithra* (Brussels, Lamertin, pp. 136).

*Pompeii, Its Life and Art*, by August Mau of the German Archaeological Institute in Rome, has been translated into English by Mr. Francis W. Kelsey, professor of Latin in the University of Michigan, and published by the Macmillan Company in a volume illustrated with over two hundred pictures taken partly from photographs and partly from drawings.

If in our last number, in commenting upon Dr. Howland's *The Early Germans* in the series of *Translations and Reprints from the Original Sources of European History*, we seemed to imply that, in the translation of the *Germania* there presented, an undue use had been made of Church and Brodribb, we owe an apology to the editor. His statement was that he had made free use of the versions named; and we are assured that the translation remains substantially his own.

Noteworthy articles in periodicals: G. Schmoller, *Ueber die Grösse der Bevölkerung in älterer und neuerer Zeit* (Sitzungsberichte der k. preuss. Akademie der Wissenschaften, 1899, 35); Sir H. H. Howorth, *The Early History of Babylonia*, III. (English Historical Review, October); Sir W. H. Rattigan, *The Ancient Jus Gentium of the Aryans* (Law Quarterly Review, July); L. Ziehen, *Die drakontische Gesetzgebung* (Rheinisches Museum, LIV. 5); F. Cauer, *Thukydides und seine Vorgänger* (Historische Zeitschrift, LXXXIII. 3); J. Beloch, *Die Bevölkerung Galliens zur Zeit Caesar's* (Rheinisches Museum, LIV. 5); O. Hirschfeld, *Die Epitome von Florus* (Sitzungsberichte der k. preussischen Akademie der Wissenschaften, 1899, 29).

## MEDIEVAL HISTORY.

In the *Neues Archiv*, XXV. 1, Professor Bresslau studies the sources of the *Chronicon Wirzburgense*, Dr. F. Güterbock an interesting manuscript of the Annals of Verona which formerly belonged to Sigonius, and Dr. Holder-Egger continues his investigations of the sources for the history of Thuringia.

Mr. N. Jorga has published (Paris, Leroux, pp. 542) a volume of *Notes et Extraits pour servir à l'Histoire des Croisades au XV<sup>e</sup> Siècle*, summaries of or quotations from a mass of documents derived from the archives of Ragusa chiefly, but also from the papal accounts at Rome, those of the Camerlenghi at Florence and those of King Alfonso I. at Naples. A second volume, on Byzantine chroniclers of the fifteenth

century, will follow. Later, volumes of narrative will be published, accompanied by further documentary publications.

Noteworthy articles in periodicals: G. Monod, *La Renaissance Carolingienne* (Compte-Rendu de l'Académie des Sciences Morales et Politiques, August); J. B. Milburn, *Medieval Grammar Schools* (Dublin Review, July); E. Müntz, *L'Argent et le Luxe à la Cour Pontificale d'Avignon* II. (Revue des Questions Historiques, October).

#### MODERN EUROPEAN HISTORY.

The first volume of the *Beiträge zur Geschichte des Konzils von Trient* edited by K. Brandi, is now completed by the issue of Heft 5. The new part contains the acts of the council for May and June, 1546.

Most sets of Luke Wadding's *Annales Minorum* lack Vol. XX (1569-1574), of which most copies were burned in a fire at Rome almost immediately after printing, in 1797. The Franciscan fathers of the College of St. Bonaventura at Quaracchi have reprinted this volume, with some revision.

The historical section of the Italian war archives has published the volume of the *Campagne del Principe Eugenio di Savoia* relating to the campaign of the year 1709 (Turin, Roux, pp. 311, 298).

At the instance of Field-Marshal-Lieutenant von Wetzer, director of the War-Office archives at Vienna, Captain Christe has published in the *Mittheilungen* of those archives all the hitherto secret documents which it possesses, relating to the murder of the envoys at Rastadt.

Noteworthy articles in periodicals: D. Schäfer, *Der Kampf um die Ostsee im 16. und 17. Jahrhundert* (Historische Zeitschrift, LXXXIII. 3); A. Bourguet, *Le Duc de Choiseul et l'Angleterre; La Mission de M. de Bussy à Londres* (Revue Historique, September); V. Pierre, *Le Clergé Français en Angleterre* (Revue des Questions Historiques, October); C. A. Conant, *The Evolution of Modern Banking* (Political Science Quarterly, December).

#### GREAT BRITAIN AND IRELAND.

The British government has brought out the seventh volume of its *Calendar of Letters, Despatches and State Papers relating to the Negotiations between England and Spain*. The volume was the last edited by the late Don Pascual de Gayangos; the documents relate exclusively to the year 1544. The government has also printed a *List of the Proceedings of the Commissioners for Charitable Uses, appointed pursuant to the Statutes 39 Elizabeth, cap. 6, and 43 Elizabeth, cap. 4, preserved in the Public Record Office*; and reports of the Historical Manuscripts Commission on the manuscripts of the Duke of Buccleuch (Vol. I.), the Marquis of Ormonde (Vol. II.), and the Marquis of Salisbury (Vol. VII.).

The third volume of the *Transactions of the Jewish Historical Society* contains an article on Aaron of Lincoln, by Mr. Joseph Jacobs, with an account of debts due to his estate in 1201, communicated by Mr. S. Levy:



documents relating to the history of the Jews in England in the thirteenth century, communicated by Mr. C. T. Martin; a discussion of the supposed Jewish synagogue at Bury St. Edmund's ("Moyse Hall"); a paper on Rabbi Zevi Ashkenazi and his family in London; and one by Mr. Lucien Wolf on "American elements in the resettlement of the Jews in England."

The University of Edinburgh has caused to be published (London, Thin, pp. 1062), its *Calendar of the Laing Charters*, 854-1837, edited by Mr. J. Anderson.

Mr. W. G. Searle's *Anglo-Saxon Bishops, Kings and Nobles* (Cambridge, University Press, pp. 469) contains lists of Anglo-Saxon bishops occupying native or foreign sees, with their various dates and appropriate references to the original sources; genealogies of the Anglo-Saxon reigning families; and genealogies, more or less complete, supported by citation of authorities, of eighty-three noble families not royal.

Professor John E. Matzke of Leland Stanford University has published a critical edition of the *Lois de Guillaume le Conquérant* (Paris, Picard, pp. liv, 32). He concludes that the original text was written in French, not in Latin, between 1150 and 1170.

A class in palaeography at the London School of Economics and Political Sciences has prepared, under the supervision of Mr. Hubert Hall, lecturer in palaeography at that school, a fac-simile of a fragmentary Exchequer roll, identified as the *Receipt Roll of the Exchequer for Michaelmas Term, 31 Henry II., A.D. 1185*. Its membranes are reproduced in collotype and its entries and those of the contemporary Pipe Roll are printed in parallel columns. The volume, which is the first published result of organized palaeographic instruction in England, has very considerable value for the history of finance and administration.

Dr. Samuel Rawson Gardiner has published a second edition, revised and enlarged, of his *Constitutional Documents of the Puritan Revolution*.

Under the title *Carmel in England*, Mr. B. Zimmerman has published (London, Burns and Oates, pp. 399) a history of the English mission of the barefoot Carmelites from 1615 to 1849, drawn from documents preserved in the archives of the order.

Miss Eva Scott has published under the title *Rupert, Prince Palatine* (Westminster, Constable and Co.) a highly skillful and thorough account of an extremely interesting personality and career, never before so well described.

Messrs. Archibald Constable and Co. publish a *Life of Richard Badi-ley*, who commanded the English squadrons in the Mediterranean Sea during the Dutch War of 1652-1654. It is prepared from contemporary documents and records by Mr. Thomas Alfred Spalding.

M. Paul Thureau-Dangin has given an excellent narrative and appreciation of the Oxford movement as a first volume of his *La Renaissance Catholique en Angleterre au XIX<sup>e</sup> Siècle* (Paris, Plon, pp. 333).

Noteworthy articles in periodicals: J. Morley, *Life of Cromwell* (Century Magazine, November, December); S. R. Gardiner, *The Transplantation to Connaught* (English Historical Review, October); William Pitt and the Family Compact (Quarterly Review, October); W. G. Beach, *The Australian Federal Constitution* (Political Science Quarterly, December).

#### FRANCE.

By decree of the President of the Republic, suggested by the minister of marine, the historical archives of that department are to be deposited at the Archives Nationales. Decrees of 1855 and 1887 permit such a transfer in the case of all the departments, but this is the first to execute the consolidation.

The Société de l'Histoire de France has published the second volume (1414-1428) of its extracts relating to the history of France from the Chronicle of Antonio Morosini, and the second volume (1703-1709) of the *Mémoires du Chevalier de Quincy*.

The Société de l'Histoire de Paris has published the first of two volumes, edited by M. Jules Viard, of *Documents Parisiens du Règne de Philippe VI. de Valois, extraits des Registres de la Chancellerie de France* (Paris, H. Champion, pp. 339).

The catalogue of the acts of Francis I., undertaken by the Academy of the Moral and Political Sciences, is now completed by the issue of the seventh volume. An eighth volume will give a list of the officials of France under Francis I., a ninth a general index to the series. The Academy has already begun the printing of the more important acts *in extenso*.

The municipality of Bayonne have lately printed another volume of their archives, *Registres Gascons*, Tome II. (1514-1530). The volume contains a good number of items relating to the Newfoundland fisheries.

The September-October number of the *Revue Historique* contains a remarkable memoir by Dumouriez, written in 1773 in order to lay before M. de Monteynard, then minister of war, the conclusions and speculations concerning the international politics of Europe to which the author's varied experiences and observations had conducted him; and a body of extracts from the correspondence and other papers of Prince Emmanuel of Salm-Salm, chiefly relating to the first period of the French Revolution.

Much importance attaches to the *Fragments et Souvenirs du Comte de Montalivet*, of which the author's son-in-law, M. Georges Picot, has just published the first volume (Paris, Calmann Lévy). M. de Montalivet was minister of the interior under Louis Philippe from 1830 to 1832 in the ministry of Casimir Périer, and also from 1836 to 1839, in that of Thiers and Molé; he was an official of the government during the remainder of the reign, a wise adviser of the King, and a man of the highest personal character.



The fourth volume of M. Émile Ollivier's *L'Empire Libéral* is entitled *Napoléon III. et Cavour* (Paris, Garnier, pp. 616), and is occupied with the state of French politics before the Italian war, with the war itself, and with its consequences, all described with much literary skill.

Lieutenant-Col. Roussel, author of an excellent history of the Franco-German war, has brought out a more special work (Paris, Charles Lavauzelle, pp. 384) on *Le 4<sup>e</sup> Corps de l'Armée de Metz* and its services under General de Ladmirault.

M. Léon de Seilhac, in his *Les Congrès Ouvriers en France de 1876 à 1897* (Paris, Armand Colin, pp. 364) presents a summary of all the proceedings of the national congresses of labor unions since the decline of the International Association.

Noteworthy articles in periodicals: G. Alix, *Les Origines du Système Administratif Français* (Annales des Sciences Politiques, July); C. Bellier-Dumaine, *L'Administration du Duché de Bretagne sous le Duc Jean V.* (Annales de Bretagne, XIV. 4); G. Hanotaux, *Richelieu Rebelle, 1619-1620* (Revue des Deux Mondes, June 1); A. Barine, *La Grande Mademoiselle*, II. (Revue des Deux Mondes, October 1); A. Droz, *Le Procès de Fouquet* (Revue de Paris, July 15); St. Vincent de Paul (Edinburgh Review, October); F. A. Aulard, *L'Opinion Républicaine et l'Opinion Royaliste sous la première République, avant le 9 Thermidor* (La Révolution Française, June 14); id., *La Constitution de 1793* (ibid., July 14); id., *Les Origines Historiques du Socialisme Français* (Revue de Paris, August 15); P. Gautier, *Madame de Staël et la Révolution de 1798* (Revue des Deux Mondes, November 1); R. Stourm, *Les Collaborateurs Financiers de Bonaparte au Début du Consulat* (Compte-Rendu de l'Académie des Sciences Morales et Politiques, August); E. Daudet, *L'Ambassade du Duc Decazes, 1820-1821* (Revue des Deux Mondes, October 15, November 15); G. Weill, *Les Républicains Français en 1830* (Revue d'Histoire Moderne et Contemporaine, November-December).

#### ITALY, SPAIN, PORTUGAL.

The department of modern history in the University of Palermo, under the direction of Professor G. B. Siragusa, is about to begin the issue of a series of volumes entitled *Fonti della Storia di Sicilia*, to include sources unprinted or, if printed, rare or hitherto ill edited. The critical apparatus will be elaborate. The first book will be an unpublished sixteenth-century chronicle of the Benedictine monastery of Catania (1515-1575).

Signor E. Levi has discovered, or perhaps rather re-discovered, in the Biblioteca Braidense at Milan, Fra Paolo Sarpi's official relation (1618) of the conspiracy of that year against the Venetian state. This he has published in the *Nuovo Archivio Veneto*, XVII. 1.

Signor A. Cipollini prints in the *Archivio Storico Lombardo*, third ser., Vol. XXII., an index to the reports of Carlo Maria Maggi, secre-

tary to the senate of Milan from 1661 to 1699, papers valuable for the history of Milan under Spanish rule.

The correspondence of the Marquis Gino Capponi has been published at Florence in six volumes, edited by Signor A. Carraresi.

The fortieth anniversary of the educational work of Professor Pasquale Villari was celebrated at Florence, on November 18, 1899. The fund established in his honor for the promotion of historical studies is to be administered by a council composed of the president of the faculty of letters at Florence, the president of the Istituto di Studi Storici at Rome, a representative of the Accademia dei Lincei, a representative of the Accademia della Crusca and a professor of history.

Señor Rafael Altamira y Crevea, editor of the *Revista Critica de Historia*, proposes to publish a scholarly yet popular illustrated history of Spain, in two large volumes (Juan Gili, Cortes 223, Barcelona).

Noteworthy articles in periodicals: F. Masson, *Le Royaume d'Italie*, 1805 (*Revue de Paris*, June 15); B. Duhr, *Pombal* (*Zeitschrift für katholische Theologie*, 1899, 3).

#### GERMANY, AUSTRIA.

The "Courrier Allemand" of the *Revue des Questions Historiques* has ordinarily left at one side the German publications in medieval history. But that presented in the recent October number, by E. A. Goldsilber, gives a summary account of the medieval historical publications of 1898 and the first months of 1899.

The latest addition to the *Historische Bibliothek* is *Hans Carl von Winterfeldt, ein General Friedrichs des Grossen*, by Ludwig Mollwo (Munich, Oldenbourg, pp. 263), in which the career of Winterfeldt, adjutant-general to Frederick in the period before the Seven Years' War, is illustrated from the archives of Berlin and Zerbst, as well as from the more accessible materials used by former biographers.

The Munich Historical Commission, whose *Allgemeine Deutsche Biographie* is now reaching the end of the alphabet, will add to it four supplementary volumes. It expects shortly to issue the tenth and twelfth volumes of its series of the earlier *Reichstagsakten*, completing the reign of the Emperor Sigismund, and a third volume of the later series. In the series of municipal chronicles the next to appear, Vols. XXVI. and XXVII., will be those of Lubeck and of the *Schöffen* of Magdeburg; later will come a third volume for Magdeburg, and chronicles of Bremen and Rostock. For the *Jahrbücher*, Dr. Uhlirz has gathered his material for those of Otto II.; Professor Simonsfeld has made large progress with the earlier part of those of Frederick I.; Professor Meyer von Knonau expects before the end of the year 1900 to complete Vol. III. (— 1084) of those of Henry IV.; Dr. Karl Hampe has undertaken those of Frederick II., begun by Winkelmann.



In the October number of the *Deutsche Rundschau* General von Verdy du Vernois begins a series of notes and reminiscences of life at the headquarters of the Prussian Crown Prince during the war of 1866.

The Hessian Historical Commission has put to the press the first volume of its cartulary of Fulda, edited by Professor Tangl, and the first volume of the acts of the Landtag at the beginning of the sixteenth century, edited by Dr. Glagau.

In the series of *Württembergische Geschichtsquellen* the latest volume is Band I. of the *Urkundenbuch der Stadt Esslingen*, edited by Drs. Adolf Diehl and K. H. Pfaff (Stuttgart, W. Kohlhammer). It prints or calendars 1146 charters, dating from 777 to 1360, and is furnished with an exceptionally elaborate index.

The Archduke Rainer has given to the Hofbibliothek his collection of papyrus and other manuscripts, more than a hundred thousand pieces in all. The publication of the papyri will be continued, under the charge of the director of the library, Dr. Joseph Karabacek.

Noteworthy articles in periodicals: J. von Pflugk-Harttung, *Die inneren Verhältnisse des Johanniterordens in Deutschland* (*Zeitschrift für Kirchengeschichte*, XX. 2); F. L. Baumann, *Die Eidgenossen und der Bauernkrieg in Deutschland*, II. (*Sitzungsberichte der k. bayerischen Academie der Wissenschaften*, hist. Cl., 1899, 1); W. Struck, *Gustav Adolf und die Schwedische Satisfaktion*, II. (*Historische Vierteljahrschrift*, II. 4).

#### NETHERLANDS AND BELGIUM.

A review of recent Belgian historical publications, by Professor A. Delescluse of Liège, appears in the October number of the *Revue des Questions Historiques*.

The Belgian Commission Royale d'Histoire, originally formed for the purpose of publishing chronicles hitherto inedited, now proposes to print critical editions of those which have already been printed but of which there is no definitive edition; also to print in full several extensive cartularies, series of documents relating to the history of guilds, statistical pieces, and catalogues of the acts of the various sovereigns of the Belgian provinces.

Dr. Michel Huisman, who, while enjoying a *bourse de voyage* from the Belgian government, spent some time at Berlin, has printed in the *Bulletin* of the Royal Historical Commission, IX. 3, an *Inventaire des Nouveaux Manuscrits concernant l'Histoire de la Belgique acquis par la Bibliothèque Royale de Berlin*, in which he has listed all those documents which the library has acquired in this field since Gachard in 1864 enumerated those possessed at that time.

M. A. Hansay, assistant keeper of the archives at Liège, formerly a student of the University of Ghent, has published in the *Recueil de Travaux* issued by the faculty of letters of the latter university an important and thorough study of the domains of the great abbey of St.

Trond and the system employed in their management, *Étude sur la Formation et l'Organisation Économique du Domaine de l'Abbaye de Saint Trond depuis l'Origine jusqu'à la Fin du XIII<sup>e</sup> Siècle* (Ghent, Engelcke, pp. 198).

To M. Charles Laurent's first volume of the *Recueil des Ordonnances des Pays-Bas* (second series, 1506-1700), published in 1893, a second volume has now been added (Brussels, Goemaere, pp. 628) prepared by him but finally brought out by M. Lameere. It embraces about three hundred documents of the reign of Charles V., of the years 1520-1529, in which occurred the rise of Protestantism and the reform of the judicial, financial and administrative systems of the Low Countries.

Noteworthy articles in periodicals: G. Edmundson, *The Dutch Power in Brazil*, II. (English Historical Review, October); A. du Bois, *Les Coulisses du Gouvernement Provisoire* (Revue de Belgique, 1899, 6).

#### NORTHERN AND EASTERN EUROPE.

To his interesting series of translations of sagas Mr. David Nutt has added *The Saga of King Sverri of Norway*, now for the first time translated into English. The narrative is important for the history of kingship in Norway; it has been rendered into English by Mr. J. Sephton, reader in Icelandic in University College, Liverpool.

M. Christian Schefer's book on *Bernadotte Roi* (Paris, Félix Alcan) presents a scholarly and valuable study of Bernadotte's career, not neglecting the earlier portions, but relating with particular attention his history after he went to Sweden.

Mr. R. Nisbet Bain has added to his previous works in Russian history a volume on the reign of the Empress Elizabeth, *The Daughter of Peter the Great* (Westminster, Archibald Constable and Co.).

#### AMERICA.

Mr. George Iles of New York has projected an *Annotated Bibliography of American History*, to be edited by Mr. J. N. Larned of the Buffalo Public Library, and to be published by the American Library Association. The plan is the same as that of the *Annotated Bibliography of the Fine Arts* prepared by Messrs. Russell Sturgis and Henry E. Krehbiel. Some fifteen hundred or two thousand of the books which readers of American history most need to have appraised for them will be selected and critical annotations describing them or stating their value will be supplied by competent scholars, by specialists as far as possible.

Mr. Paul Leicester Ford is about to issue a volume composed of Weems's *Life of Washington*, with introduction, notes and comments, arranged after the manner of his book on the New England Primer.

Major E. Cruikshank of Fort Erie continues his *Documentary History of the Campaign on the Niagara Frontier in 1812*, by a third part (pp. 306, published by the Lundy's Lane Historical Society). The events from the autumn of 1811 to September 30, 1812, are herein illustrated



by a most elaborate and complete collection of documents derived from the Canadian archives, from the Tompkins Papers at Albany, from the manuscripts of Hon. P. A. Porter, from contemporary newspapers found in many repositories and from printed books.

Professor William MacDonald, of Bowdoin College, has in preparation a volume of select documents, illustrating the history of the United States in the period since 1861, intended as a continuation of the preceding volumes on the colonial period and that from the Revolution to the Civil War, and arranged upon the same plan.

Mr. D. G. Hill has published the fifth volume of the *Early Records of the Town of Dedham*, continuing the records of the town-meetings and of the selectmen from 1672 to 1706.

Mr. Amasa M. Eaton of Providence has printed a pamphlet of 128 pages on *Constitution-Making in Rhode Island*, which, while primarily occupied with an argument upon the question of the proper mode by which a new constitution for that state might be made, contains also much discussion of historical questions, especially with respect to the charters of Rhode Island, the constitution of 1842, and the history of local self-government in Rhode Island towns. (Providence, Preston and Rounds Co.)

Hon. Oscar S. Straus, United States minister to Turkey, and author of a well-known book on Roger Williams, has caused a tablet commemorative of the latter to be placed on the walls of the Charter house at London, where Williams was a student in 1624.

The state of New York has provided for the printing of an elaborate index to the deeds and mortgages in the offices of the county clerks of Albany and Ulster Counties, from the beginning to 1800. In view of the enormous original extent of these counties these records are of great value to the history of the state as well as to conveyancers and others interested in tracing the transfers of real property. This is undoubtedly a valuable enterprise, but an extraordinary feature of its execution is the provision that only 160 sets shall be printed: sixty for the various county clerks of the state and one hundred to be sold at auction for not less than one hundred dollars a set.

Mr. J. Pierpont Morgan has presented to the New York Public Library the manuscript portions of the Ford Collection, consisting of 180 bound volumes and of about 30,000 pieces in all. The volumes consist of transcripts of official records copied in England and in Spain and volumes of account-books of the latter part of the last and the beginning of the present century. Among the unbound papers are many portions of the correspondence of Horace Greeley, two hundred letters from Andrew Jackson, letters from Major William B. Lewis, President Monroe and others. The September number of the library's *Bulletin* contains a curious memoir of Ferdinand Columbus to Charles V., setting forth his project for a national library and its catalogue; also an interesting letter of Gen. James Wilkinson on the Mexican Revolution of 1823. The October number contains the texts of a group of letters written to and by

John Winthrop the younger, presented to the library by Mr. Paul L. Ford. The November and December numbers contain a translation of a memoir of Father Alonso de Benavides respecting New Mexico in 1626. Mr. G. L. Rives has given the library a transcript from the Spanish archives of Simancas of documents relating to the early history of Virginia and other parts of America, 1608-1624; Mr. John Cadwalader a collection of about two thousand letters to and from President Monroe, and to and from his son-in-law, Samuel L. Gouverneur. Dr. S. A. Binion has given a collection of 380 letters, proclamations and other documents of Casamajor, French commander at San Domingo, and other officials there, between 1781 and 1809. The library has acquired some sixteen volumes (8500 pages) of transcripts of papers relating to the American Loyalists preserved in the Public Record Office in London. Of this and of the similar collection at Washington we hope to give a fuller description at a later time.

The Van Rensselaer Papers have recently been turned over to the office of the clerk of Albany County, where they will be classified and arranged by Mr. Wheeler B. Melius. Those which relate to land-titles are expected to be included in the indexes mentioned above. The others will be turned over to the state controller to be arranged and indexed on the same plan which has been followed in the case of the Revolutionary records in his office.

The Public Record Commission of New Jersey makes an eminently proper beginning with its *First Report*, presenting, first, a description of records in the office of the secretary of state, second, a list of the sessions of the Assembly from 1703 to 1776 with a minutely careful bibliography of their printed journals, third, a bibliography of the printed acts of the legislature and ordinances of the governors from 1703 to 1800. Some documents respecting army depredations in New Jersey during the Revolution are appended.

The DeWitt Historical Society was formally organized at Ithaca on November 28, Dr. W. E. Griffis being chosen as president. The property of the historical society which existed there thirty or forty years ago was turned over to the new organization.

To the October number of the *Pennsylvania Magazine of History*, Mrs. Amelia Mott Gummere contributes an interesting article on Oxford and the Quakers, and Hon. N. Darnell Davis, auditor-general of British Guiana, contributes a series of accounts of Braddock's defeat, from the London newspapers of the day. In many cases they consist of letters from surviving officers, written soon after. A vivacious letter of Miss Rebecca Franks, 1781, is also printed, and a fresh installment of the General Title of the Penn Family to Pennsylvania. But much the most important document, of which only a beginning is made in the present issue, is the brief of an argument prepared by the counsel of the proprietaries, Wilmot, to be presented at a hearing before the Board of Trade, in opposition to acts of the provincial assembly for taxing the proprietary estates.



The October number of the *Publications* of the Southern Historical Association contains an article on John Brown's insurrection, replete with local details, by Dr. Thomas Featherstonhaugh; and an interesting and conscientious account of the Confederate prison at Salisbury, North Carolina, by the late Rev. Dr. A. W. Mangum, minister at Salisbury during Civil War times.

In Vol. III. of the reports of the Maryland Geological Survey (published at Baltimore by the Johns Hopkins Press, 1899), Part III., pp. 107-186, is a dissertation on Highway Legislation in Maryland and its Influence on the Economic Development of the State, by Dr. St. George L. Sioussat, of the Johns Hopkins University, now assistant in Smith College. The first volume brought out by the Maryland Weather Service (similarly published) contains, pp. 331-416, a Sketch of the Progress of Meteorology in Maryland and Delaware, by Mr. Oliver L. Fassig.

Rev. Dr. B. F. Riley, professor of English in the University of Georgia, has published his *History of the Baptists in the Southern States east of the Mississippi* (Philadelphia, American Baptist Publication Society, pp. 376).

Perhaps the most interesting matter in the October number of the *Virginia Magazine of History* is a group of documents, chiefly by Governor Nicholson and Commissary Blair, most of which relate to the founding of William and Mary College. Much interest also attaches to a series of letters of Washington to Henry Lee. John Redd's reminiscences are continued, the present installment relating chiefly to Gen. Joseph Martin, Colonel William Campbell and other heroes of the Revolution. The answer of Sir George Yeardley to the charges made against him by Captain John Martin, and the Saintsbury abstracts of 1624-1625, throw useful light on early days; but Governor Wyatt's commission has already been printed, by Rymer in his *Fœdera*.

Volume III., part 1, of the *Lower Norfolk County, Virginia, Antiquarian* contains a list of landowners and slave-owners in Princess Anne County in 1775, and another of the property-owners of Portsmouth parish in 1860, showing, among other things, a considerable amount of property held by free colored persons. The documents respecting the Church in Lower Norfolk County and respecting Grace Sherwood are continued.

The fifteenth and sixteenth volumes of the *North Carolina State Records*, edited by Judge Walter Clark (pp. 789, 1204), have been published by the state. The latter volume extends to 1783 and contains legislative journals, official correspondence and the roster of the North Carolina Continental Line.

Mr. William A. Blair of Winston, N. C., has in preparation a *History of the Banking and Currency of North Carolina*, which he hopes to illustrate with cuts of colonial currency and of the state bank issues.

Professor Kemp P. Battle, formerly president of the University of North Carolina, is engaged in preparing a detailed history of that influential institution.

Miss Sallie W. Stockard has in preparation an extensive *History of Alamance County, North Carolina*.

The South Carolina Historical Society expects to begin with the present year the practice of issuing a quarterly magazine devoted to the publication of unprinted manuscripts and historical documents, genealogies, book reviews and historical notes and queries.

Among the many commemorations of the centennial anniversary of Washington's death one of the most interesting was that which took place at Charleston, S. C., under the auspices of the Sons of the Revolution. They placed a commemorative tablet upon the old Exchange Building, which was erected in 1767 as an exchange and custom-house, in which the tea was stored and in which the Provincial Congress of 1774 assembled. Efforts which, it is to be hoped, will prove successful, are being made to ensure the permanent preservation of this historic building.

The Alabama History Commission has prepared for distribution a general statement of the work which it proposes, including a somewhat detailed outline of its various possible activities, and appeals to individuals for aid in providing data. Persons outside the borders of the state who may know of manuscript material relating to Alabama history are requested to communicate with the chairman, Mr. Thomas M. Owen, of Carrollton.

In the *Comptes-Rendus de l'Athénée Louisianais* for September and November Dr. G. Devron printed an interesting memoir on Louisiana written in 1717 by François Le Maire, priest of Paris, a missionary in the new province. The November issue contained a remarkably complete list of the officers of the colony down to 1753.

Professor J. Hanno Deiler of Tulane University, whose pamphlet of 1897 on *Die europäische Einwanderung nach den Vereinigten Staaten* bore especial reference to the German immigration into the Southern States, is engaged upon a history of the German Press in New Orleans.

The October number of the *Quarterly* of the Texas State Historical Association contains the conclusion of W. S. Lewis's narrative of the adventures of the immigrants on the *Lively* and the first installment of an ingenious, thorough and scholarly examination of the route of Cabeza de Vaca by Mr. Bethel Coopwood. The society increases rapidly in membership; 710 members are now reported.

The original journal that Stephen F. Austin kept while in prison in Mexico has been found among the Austin papers. It is written in Spanish. The Texas State Historical Association has recently acquired the original order-book of the Texas Santa Fé expedition of 1841.

The seventh volume of the *Ohio Archaeological and Historical Publications* (Columbus, 1899, published for the society by Frederick J. Heer, pp. 366) contains, first, a general account of the Indian Tribes of Ohio, by Mr. Warren K. Moorehead, formerly curator of the society's archaeological interests. It is serious and critical, but greatly lacking in literary qualities. Next follows another hundred pages by the same writer, de-



scribing the field-work done for the society by Mr. Clarence Loveberry during the seasons of 1897 and 1898. The remainder of the volume is mainly occupied with the proceedings at the centennial anniversary of the Treaty of Greenville, on August 3, 1795, and at that of the settlement of Gnadenhütten, on September 29, 1898.

The *Fifth Biennial Report of the Trustees of the Illinois State Historical Library* reports the addition of 3735 books and pamphlets since the last report. The board of supervisors of Sangamon County has ordered that all records and documents in the archives of the county containing the name of Abraham Lincoln be transferred to the State Historical Library; a great variety of such records and documents has accordingly been thus deposited. The report of the trustees is accompanied by two *Publications* of that body, prepared by Professor Edmund J. James of the University of Chicago. No. 1 (pp. 94) is a bibliographical list of Illinois newspapers, prior to 1860, with notes as to their history; an appendix gives a list of the Illinois and Missouri newspapers possessed by the Mercantile Library of St. Louis. No. 2 (pp. 15) gives a list of the laws made for the territory of Illinois by the governor and judges, 1809—the law-making authority from 1809 to 1812, and the texts of four of the laws. The rest cannot be found either at Springfield or at Washington.

The forty-seventh annual meeting of the Wisconsin State Historical Society occurred at Madison on December 14. This was probably the last meeting to be held in the old quarters of the society in the state capitol. The new Historical Building, intended to house both the society and the university library, and constructed at a cost of \$600,000, is expected to be ready for the society's occupancy in May. Accessions of 7727 books and pamphlets were reported.

In 1893 the State Historical Society of Washington issued at Tacoma one number of the *Washington Historical Magazine*, chiefly occupied with a record of the centennial exercises held at Grays Harbor in 1892 in honor of the discovery of that region by Captain Robert Gray, of the Columbia, in 1792. During the past autumn the society has made a new beginning with Vol. I., No. 1, of *The Washington Historian*. The first number presents autobiographical and other material relating to the pioneer settlers of the state, a summary article on early exploring expeditions to the Northwest Coast and contributions to the history of the society itself and of education and of political parties in Washington.

Beside the Newfoundland items found in the *Registres Gascons* of Bayonne, elsewhere mentioned, we note *Les Rochelais à Terre-Neuve, 1500-1789*, by M. G. Musset (La Rochelle, impr. Girault, pp. 139).

Professor Frederick Starr, of the University of Chicago, who has made several tours in southern Mexico for purposes of anthropological study, publishes privately, in a limited edition, a volume of 141 photogravure plates with descriptive letter-press entitled *The Indians of Southern Mexico, An Ethnographic Album*. From the specimens which ac-

company the prospectus the volume appears to be one of great excellence and value in its field.

Vol. XVII. of the *Coleccion de Historiadores de Chile* consists of a second volume of the *actos del cabildo*, or town-council records, of Santiago de Chile. The first volume, published nearly thirty years ago, contained the extant records of the years 1541-1557. The present volume contains all that the editor, Don José Toribio Medina, has been able to discover of the records from 1557 to 1577.

Noteworthy articles in periodicals: W. J. Ashley, *The Commercial Legislation of England and the American Colonies, 1660-1760* (Quarterly Journal of Economics, November); E. E. Sparks, *The Expansion of the American People* (Chautauquan, October-January); P. L. Ford, *Franklin as Politician and Diplomatist* (Century, October); C. W. Somerville, *Robert Goodloe Harper* (Conservative Review, May); L. M. Keasbey, *The Terms and Tenor of the Clayton-Bulwer Treaty* (Annals of the American Academy of Political and Social Science, November); F. Bancroft, *Seward's Proposition of April 1, 1861* (Harper, October).



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Due acknowledgment having been made of these local advantages, it must be said that, if the fifteenth annual meeting of the American Historical Association was, in a phrase that of late bids fair to become stereotyped in the annals of this prosperous and progressive society, “the most interesting and successful meeting it has ever had,” the major portion of the credit must be divided between the committee on the programme, of which Professor Albert Bushnell Hart of Harvard University was chairman, and the local committee of arrangements, headed by Mr. A. Lawrence Lowell. Universal regret was expressed at the absence of the Secretary of the Association, Professor Herbert B. Adams of Johns Hopkins University, who from the time of its organization had never before

Vol. IV. No. 3. APRIL, 1899.

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NOTES AND NEWS.

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- CARL E. BOYD . . . The County of Illinois.  
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Vol. V. No. 1. OCTOBER, 1899.

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be published in the form of a book.<sup>1</sup> Mr. Lowell described first the system which was pursued from 1806 to 1856 at the East India Company's college at Haileybury,—students admitted by patronage and then receiving a special training. When the Company's rule ended, a system of competitive examination was substituted, drawn up by a committee of which Macaulay was chairman, and this system is now followed. The present plan, both for India and for the Asiatic colonies, is based on two main principles: that the candidates must have an unusually good general education, and that they must not be required to spend, in preparing for the examination, time which they will have wasted if they are unsuccessful. Accordingly the examination covers only subjects of liberal study, with a large range of options, and is designed to secure men of a grade about equivalent to our "A. B. with honor." Before going to India the successful competitors spent a year in England, usually at a university, studying Indian law and languages, with training also in horsemanship. In the Netherlands the candidates, prepared at Delft, undergo at the end of a three years' course a competitive examination bearing solely on subjects connected with the Dutch Indies, only a slight general education being required; the results, according to a recent Dutch commission, justify a decided preference for the English system. The French have made so many changes of system that there has been no long test of the product.

In the discussions which followed this group of papers, Mr. Alleyne Ireland, author of the well-known book on *Tropical Colonization*, spoke of the difficulties which attend the introduction of the system of contract labor, which was nevertheless, in his judgment, inevitable in the Philippines. Dr. Clive Day of Yale University, speaking chiefly with respect to the 250,000 Chinamen in Java, showed wherein they were an economic necessity in such colonies, their function being that of middlemen on a small scale; and compared their position to that of the Jews in the Middle Ages. Mr. Arthur Lord of Plymouth spoke of the application of the principles of civil-service reform to the new possessions. Though we could not demand highly specialized training or provide pensions, it was possible to insist that appointees should have youth, health, some experience in administrative duties and an acquaintance with Spanish and with the language of the district. Professor H. Morse Stephens of Cornell University declared that if a system of patronage was followed in appointments, a college to train the appointees was a necessity.<sup>1</sup> English experience had shown, especially at the time

<sup>1</sup> *Colonial Civil Service: The Selection and Training of Colonial Officials in England, Holland and France*, by A. Lawrence Lowell; with an account of the East India College at Haileybury (1806-1857) by H. Morse Stephens (New York, Macmillan).



of the Mutiny, that it had also a high value in making the officials all brothers; yet with this went a tendency to become cliquy, and the government of India would have become an aristocratic tyranny had it not been for the constant practice of sending out as governors persons of commanding social position independent of the Indian service, and English barristers as judges.

The session of the Church History Section, held in the afternoon at the rooms of the Massachusetts Historical Society, was moderately well attended, although the absence of academic teachers of church history from the meetings was more marked than usual. Professor Moses Coit Tyler of Cornell University, second vice-president of the association, occupied the chair. Professor Egbert C. Smyth, who was announced to speak on the Christology of Origen, substituted for this a paper on the early theory that Christ's death was a ransom paid to Satan. He disputed the statement that such a theory could be called the definite and prevailing view of the early centuries. Authors who held it, *e. g.*, Irenaeus, also held other views. The fathers of the fourth century boldly rejected it. The ransom theory declined, lost seriousness, even became playful. The sacrificial theory, it was maintained, was the firmer and prevalent view of the early Church.<sup>1</sup>

The Rev. W. G. Andrews of Guilford, Connecticut, read a paper on A Recent Service of Church History to the Church. The first third of the century in America was characterized by union and co-operation of denominations in Christian work. In the second third of the century, this period of good feeling was over. The denominations became conscious of their distinctive mission, and division or hostility became the tendency. At the same time this self-consciousness of the denominations turned to the story of their past. Denominational histories wakened interest in a more general study of Christian history as a whole. The result of this has been a diminution of prejudice and an appreciation of what is common to all forms of Christianity. While uniformity in opinion and ritual is less valued, there is, as the result of this study of Christian history, a longing for essential unity.

The Rev. H. S. Burrage of Portland, Maine, dealt with the question, Why was Roger Williams Banished? He argued against the claim of the late Dr. Henry M. Dexter that the banishment took place for reasons purely political. Williams's doctrine of soul-liberty was expressly mentioned by Governor Haynes in the sentence of banishment as one of the causes that led to banishment. Similarly the record of the magistrates of the Bay Colony in 1676,

<sup>1</sup> This paper has since been printed as a pamphlet, *Ransom to Satan*.

which allowed Williams an asylum in the colony during Indian troubles, expressly states that the banishment had been for having broached new and dangerous opinions. The condition of re-entering the colony is that he should not vent any of his different opinions in matters of religion to the dissatisfaction of any. The conclusion was that the doctrine of soul-liberty was certainly one ground for the banishment. In the discussion of this paper by the Rev. E. H. Byington and Professor George P. Fisher, it was held that the impracticable temperament of Williams was a serious trouble to a feeble colony exposed to dangers and in need of social harmony.

At the formal session of the Association in the evening, Governor Wolcott gave an address of welcome on behalf of the Commonwealth, dwelling especially upon the long roll of notable Massachusetts historians. The remainder of the session was given to the inaugural address of the President, Mr. James Ford Rhodes, a thoughtful and suggestive paper in which, taking history in general as his theme, he dwelt on the characteristics of historical writing in recent years, and the instruction which might be drawn from its contrasts with the historical books of the ancients. Conceding to poetry and the mathematical and physical sciences a precedence over history in the realm of intellectual endeavor, he called attention to the secure place which history holds in modern minds, especially during the last forty years, during which the doctrine of evolution has entered so vitally into all studies of man. And yet, if the English, Germans and Americans should join in a vote as to who were the two chief historians, there was little doubt that Thucydides and Tacitus would be chosen, and that Herodotus and Gibbon would come next. It was profitable to inquire into the reasons of their abiding supremacy. Diligence, accuracy, impartiality and love of truth were the merits commonly ascribed to Thucydides and to Tacitus as constituting their primary claims to such a position. Yet there were modern historians who must be conceded to equal them in these respects. In seeking for more special and peculiar merits, we must lay considerable weight upon the fact that Thucydides and Tacitus give a compressed narrative, say much in few words. Nor is our modern prolixity to be excused by alleging a much greater abundance of materials; when sifted, our evidences reduce to moderate compass. Describing the modes in which these ancient historians gathered their materials, he pointed out, as one source of their abiding superiority, that by long reflection and studious method they had better digested their materials and compressed their narrations. Another source of their superi-



ority, he urged, lay in the fact that they, and Herodotus also, wrote what was practically contemporaneous history. He argued warmly the advantage of contemporary periods as fields of work; these times one could understand directly and with little effort, and life and color and freshness lay ready at hand. In many treatises it is insisted that the historian "shall have a fine constructive imagination; for how can he recreate his historic period unless he live in it? In the same treatises it is asserted that contemporary history cannot be written correctly, for impartiality in the treatment of events near at hand is impossible. Therefore the canon requires the quality of a great poet, and denies that there may be had the merit of a judge, in a country where there are no great poets, but where candid judges abound." Mr. Rhodes's address has been printed in the *Atlantic Monthly* for February. To those who give themselves the pleasure of reading it no impression, we feel sure, will be more vivid than that of the warm admiration which our historian, surely a modern of the moderns, entertains for Thucydides.

Thursday morning's session was devoted to papers in which the claims of various fields of history upon the attention of students were advocated or compared. Mr. Charles Francis Adams, in a brilliant paper, urged the need, upon the part of historians, of a closer study of military history, and dwelt, with the authority of one who has borne a distinguished part both in military life and in the writing of history, upon the shortcomings of those general historians who have plunged into the military portions of their themes without possessing or striving to acquire that technical knowledge without which they could not hope to succeed. Quoting a forcible passage to this effect from his inaugural address read at the opening of the new building of the Massachusetts Historical Society, he elaborated his positions with illustrations drawn from the battles of Quebec, Bunker Hill, Long Island, Bladensburg and New Orleans. Speaking of the battle of Quebec upon the basis of recent examination of the ground, he showed how misleading was in some respects the account of it given by a civilian historian like Parkman, and how largely such writers, from want of professional training or technical knowledge, missed the really perplexing questions respecting a battle; in this case, for instance, why Montcalm fought at all. In the case of the other battles mentioned, Mr. Adams showed how the leading questions of their conditions and conduct appeared to the mind of a military student, and how in many cases civilian historians had misunderstood their strategy or tactics or had ignored the really instructive lessons to be drawn from them; but for want of time this part of the paper was mostly

omitted in the reading. Mr. Adams held that in the future the general historian, utterly unable to be expert in all those branches of human knowledge which enter into history, must assume to himself more largely a judicial function, trusting himself to the guidance of trained specialists and trying to make among them the wisest choice. In an interesting passage of the paper he paid a warm tribute to the military histories of the late John C. Ropes, admitting him as a brilliant exception to his criticisms of civilian writers, and as indeed the foremost of American military critics.

Under the title "Sacred and Profane History," Professor J. H. Robinson of Columbia University, after emphasizing the distinction between the mode of composition appropriate in books intended for professional uses and that which is suitable in general histories intended for the public and for students in schools and colleges, declared that no deficiency in our current manuals was so striking as their neglect to deal properly with the history of the Church, especially the Church of the Middle Ages. There was no doubt a strong temptation to read into the past our modern notion of separation between Church and State; but to write history upon a basis furnished by this idea, and still more to yield so far to ancient Protestant bias as to represent the Roman Church as a band of conspirators opposed for a thousand years to the needs and best interests of Europe, is to make our whole notion of medieval history distorted and incoherent. In reality, the medieval Church was the most characteristic and natural production of the social and moral conditions of the Middle Ages. It was a state, usually far more powerful and efficient than the secular authority. Studied without prejudice but with sympathy and with an eye to its governmental, moral and spiritual influence, it should be given that place and prominence in histories which it had in fact. The history of churches and of religion in modern times was, he urged, similarly important and similarly neglected in general works.

Professor W. J. Ashley of Harvard University followed with a paper on the claims and position of economic history. As the vehement ecclesiastical disputes of an earlier age had brought about an ardent interest in ecclesiastical history, even on the part of laymen, and as the constitutional and political disputes of a later time had produced an unusual abundance of constitutional and political historians, so, he reasoned, a more active study of economic history must inevitably result from the constant modern questionings of economic conditions. Socialist critics and conservative defenders of the existing régime have alike begun already to turn to historical investigations. Whether the impulse has its effect by the infusion of a



greater amount of economic history into general works or by the making of separate and special books, does not much matter; nor whether the needful instruction be given by means of special chairs of economic history. In any case it would be a pity to have it given by professors who had an eye for economic history solely. As to the oft-raised question respecting determinism, or materialism, Mr. Ashley urged caution, there being so many cases in which, so far as the evidence is now before us, the alleged strict relations of cause and effect cannot be securely traced. As regards the controversy raised in Germany by Professor Lamprecht and his friends, he thought Lamprecht right in holding economic history to have been vastly more important than general historians (if one might judge from their actions) had believed, and that he had done a useful work; but that he had prejudiced his cause by claiming too much and proving too little. Fortunately, however, the claims of economic history were not bound up with those of materialistic theorists or with those of Lamprecht's admirers. We are informed that Mr. Ashley's paper is before long to be published in a volume of essays.

A paper on social history, announced in the programme, was not presented. Professor A. D. Morse of Amherst College, who had been engaged to lead the discussion of the paper, remarked upon the peculiarities of American social organization, when studied, as it may most readily and typically be studied, in small communities of from two to ten thousand inhabitants. Society should be so organized as to give the fullest and most powerful influence to the strongest and best individuals. On examining our communities, one finds them organized in small groups, in each of which personal influence is strong, but beyond the borders of which it does not readily pass. In this sense American society was much better organized in the colonial period than it now is. The social organization, which is necessarily aristocratic, was disestablished and deprived of power by the rise of American democracy. In further discussion of the morning's papers, Professor J. W. Platner of Harvard Divinity School advocated a fuller study of the history of religion, conceived in the broadest sense. Mrs. Robert Abbe of New York, the indefatigable promoter of clubs and classes for the study of American history among the children, especially the poor children, of New York, gave a lively and entertaining description of the manner in which these classes have been organized and conducted, and of the valuable results which have already been obtained.

The evening session was opened by a paper by Miss Ruth Putnam of New York, on the Dutch historian Robert Fruin, late pro-

fessor of Dutch history at Leyden. Fruin, who at the time of his death in January, 1899, was universally regarded as the first of Dutch historical scholars, was born at Rotterdam in 1823, and obtained his doctorate at Leyden in 1847. He became a teacher of Dutch history in the Leyden gymnasium, and in 1856 published his *Tien Jaren uit den Tachtigjarigen Oorlog* ("Ten Years from the Eighty Years' War") a brilliant monograph which made his reputation permanent. He wrote no other book but, being chosen in 1860 as professor of Dutch history at Leyden, the first professor of that specialty that the country had ever had, he promoted its study by thirty-four years of teaching and by numerous articles of high value in scientific and literary journals.

Under the title, "Should Recent European History have a Place in the College Curriculum?" Professor C. M. Andrews, of Bryn Mawr College, dealt especially with the history of the last thirty years. That history has been generally considered unavailable for scholarly historical treatment; but he thought that this view had been accepted somewhat too readily in colleges. Objections doubtless lay against any treatment that should assume to be final. Yet the history of recent years is the culmination of all historical development, and logically demands treatment. Moreover, the practical value of the study would be great. To stop at 1870, and leave the rest to be learned haphazard from newspapers and other such sources, is to deprive the student, who may afterward become the man of affairs, of that historical background which is so essential in understanding the problems of today. Students whose course in history has extended continuously from some point in the past down to the present time will be much better prepared to comprehend what the world is doing today, and will be less likely to take extreme positions, such as those of the jingo or the doctrinaire.

Mr. James Breck Perkins of Rochester read a paper on French Mistakes, meaning those mistakes in colonial policy which had prevented France from acquiring such an empire as that of England. Few would deny that at the present time the influence of the British Empire far exceeds that exercised by France. Two hundred and fifty years ago such a relative position would have seemed quite unlikely. At that time, though colonial development was in an embryonic state, France was on the whole in advance of her rival across the channel, and had every prospect of bringing into existence a great colonial empire. Among the causes of her failure, a prominent place must be given to religious bigotry, but for which the French Huguenots might have done for France what the English Puritans did for Great Britain. Catholic Frenchmen, moreover,



were not afforded in the colonies that free opportunity to better their economic condition without which it was vain to expect men to emigrate. Even worse was the management of India, for while abundant attention, however misdirected, was applied to the attempt to build up an empire in the West, the French government viewed with positive indifference the golden opportunity presented to it by Dupleix for acquiring an empire of boundless importance in the East. Dupleix essayed to create an empire by means closely resembling those which had been employed by the Romans. If the directors of the French East India Company or the authorities at Versailles had properly appreciated and seconded his efforts, a French proconsul might now be ruling in Calcutta.

The discussion which followed related to the academic problem of the teaching of recent history. Professor Ferdinand Schwill of Chicago agreed with Professor Andrews. If in some respects the materials for thorough work on this period seemed unsatisfactory, yet good opportunities for learning the elements of historical criticism were often presented by newspapers and such sources, in which good and bad were intermixed, but in which the bias or point of view was an obvious one; and certainly classes were always much interested in these most recent periods. Professor Haskins of Wisconsin, while agreeing to the general proposition, especially if the study of these times was used as the culmination of a general course, thought that excessive attention to them was to be deprecated. The materials were too voluminous for the successful teaching of critical methods. The most successful seminaries were, as a rule, those occupied with medieval history, which presented a small and compact body of material.

Friday's sessions were held at Cambridge, at Harvard University, the public session of the morning in Sanders Theatre, the business meeting of the afternoon in the Fogg Art Museum. The former was occupied with papers and discussions respecting the foreign relations of the United States. Professor John B. McMaster of the University of Pennsylvania, speaking on the Government of Foreigners, declared that the inhabitants of the foreign possessions recently acquired by the United States were not embraced within the provisions of the Constitution, and maintained this view by arguments drawn from the history of previous acquisitions, especially that of Louisiana, and by citation of the authority of the Supreme Court in well-known cases.

Baron Speck von Sternburg, secretary of the German Legation to the United States and a member of the recent international Samoan Commission, read in admirable English a paper on the Samoan

question. Beginning with the agreement obtained in 1872 by Commander Meade, U. S. N., by which the United States acquired the privilege of a Samoan naval station, the mission of Captain Steinburger in 1873, the American treaty of 1878 securing Pago-Pago, and the British and German treaties of 1878, he traced the history of Samoan affairs during the prime ministry of Steinburger and the subsequent petty war of consuls, down to the time of the great hurricane in Apia harbor. He then gave a history of the Berlin conference of 1889, and of the results of the tripartite agreement then effected. Anarchy prevailing, the three powers sent out last May a Joint High Commission, which succeeded in disarming the two rival native armies, breaking up military rule, and establishing a strong temporary civil government. The proposals which they laid before the three powers, and which took effect in the treaty signed on December 2, 1899, were described, and the happiest auguries expressed as to the future quiet and prosperity of the islands under the new arrangements.

The next paper, by Professor Edward G. Bourne of Yale University, on The United States and Mexico, 1847-1848, is that which we have the pleasure of presenting on subsequent pages of the present number.

The paper by Professor S. M. Macvane of Harvard University, on Democracy and Diplomacy, consisted in a discussion of the effect which the rise and advance of modern democracy has had on the conduct of diplomatic negotiations, and of the question whether, on the whole, democratic government makes for peace, as its admirers of a hundred years ago unquestionably expected that it would. He contended that, of the ten important wars which have occurred within the present century, seven arose not from any inherent difficulty of effecting a peaceable solution, but from the exasperation of popular feeling. Under a democratic form of government national sentiment interferes with calm consideration. The telegraph and the cheap newspaper have within the last fifty years made diplomacy more difficult; excitement is sooner brought to bear, and the diplomat has not so free a hand. Secrecy is less possible; and while it is the abuses of publicity against which we object rather than the publicity itself, apparently the two are inseparable. Professor Macvane also argued against the doctrine that the citizen ought not to oppose an aggressive policy on the part of his government lest he encourage the enemy; and against the doctrine that the best mode by which to maintain peace is to be always prepared for war.

Professor J. B. Moore of Columbia University, formerly Assist-



ant Secretary of State, thought Professor Macvane's picture of the earlier diplomacy unhistoric. He maintained that there was no such contrast as had been indicated, with respect to dependence of diplomacy upon the popular will. In monarchical times, also, wars had frequently arisen out of popular excitement. In reality, though popular excitement often appeared upon the surface to be the cause of war, a deeper consideration would often show that there had been conflicting national interests of sufficient magnitude to make war inevitable.

Professor H. P. Judson of the University of Chicago spoke chiefly upon the problem discussed in Professor McMaster's paper. He contended that the term "United States" is used in the Constitution in two senses, one geographical and international, in which sense the territories are a part of the United States, and the other constitutional, in which sense they are not. He believed that the limitations expressed in the Constitution with regard to taxes on imports applied to the states only, and that the maintenance of a revenue tariff in the islands while a protective tariff was maintained at home was not unconstitutional. As to citizenship, he believed that, since the United States and places subject to their jurisdiction were contrasted in the Thirteenth Amendment, in the Fourteenth Amendment also the phrase "United States" did not include the latter. Mr. Edwin V. Morgan, who had lately been Secretary to the Samoan Commission, set forth, upon the basis of their experiences in Samoa, the necessity that those who are to take part in governing our new possessions shall study, upon the spot, the languages, customs and religions of the inhabitants.

At the session devoted to business, the election of officers resulted in the choice of Dr. Edward Eggleston as President, Professor Moses Coit Tyler becoming First Vice-President, and Mr. Charles Francis Adams being elected Second Vice-President. Professor H. Morse Stephens of Cornell University was re-elected a member of the Board of Editors of the *AMERICAN HISTORICAL REVIEW*. Professors Stephens and Turner resigning from the Executive Council, their places were supplied by the election of Professor W. A. Dunning and Hon. Peter White. Professor J. F. Jameson resigned the chairmanship of the Historical Manuscripts Commission, and Mr. R. G. Thwaites, Secretary of the State Historical Society of Wisconsin, was chosen in his place. A full list of the officers of the Association and of the members of its committees is given on a later page, at the end of the present article. The Association has, from the beginning of its history, had but one honorary member, the late Professor Leopold von Ranke. It now elected as honorary mem-

bers the Right Rev. Dr. William Stubbs, Bishop of Oxford, and Dr. Samuel Rawson Gardiner. Provision was made in the constitution for the addition of a class of corresponding members, limited, as is honorary membership, to persons not resident in the United States.

Upon the inspection of the list of committees already mentioned, it will be seen that the Association, following its traditions of progressive development, has projected several new lines of usefulness. It has formed for the first time a committee of publication separate from the Council. It has established a Public Archives Commission, charged to investigate and report, from the point of view of historical study, upon the character, contents and functions of our public repositories of manuscript records, and having power to appoint local agents in each state, through whom their inquiries may be in part conducted. A committee was also appointed to consider the possibility of preparing a general history of the United States, composed of monographs written by various scholars. Upon the invitation of several societies in England, desiring co-operation in the expected approaching commemoration of the thousandth anniversary of the death of King Alfred, a committee was appointed to make arrangements for American participation in the expected celebration at Winchester.

After the report of the Council, in which most of these forward steps were proposed, came a most gratifying report from the treasurer. Dr. Bowen was able to report total assets of the Association amounting to \$12,581, a gain of more than a thousand dollars since a year ago. The assistant secretary reported the present number of members as 1411, which, it may be observed, is twice as many as were enrolled in December, 1896. For the Historical Manuscripts Commission, Professor J. F. Jameson reported the approaching completion of his edition of the Correspondence of John C. Calhoun, which will constitute the Fourth Report of the Commission; upon the termination of this work his chairmanship of the Commission comes to an end. Professor Hart reported for the Board of Editors of the *AMERICAN HISTORICAL REVIEW*. For the Committee on the Justin Winsor Prize, Professor C. M. Andrews reported that they had been unable to make any award this year, and asked for permission, which was granted, to draw up a definite code of rules to govern the competition for the prize. The announcement prepared by the committee will be found printed at the end of this article. On behalf of the Committee on Bibliography, Mr. A. Howard Clark made a report recommending: that Mr. Iles's proposed select bibliography of American history be referred to the Executive Council, with power to act; that Mr. W. D. Johnston's



### *American Historical Association*

annual Annotated Bibliography of English History be he printed in the Annual Reports of the Association; that the Association print Mr. T. M. Owen's bibliography of Mississippi; that William Beer's projected bibliography of Louisiana and the Louisiana Territory be commended to the attention of the Council; and the project of an index to historical articles printed in serials not in "Poole" be commended to the attention of the American Library Association.

After the passage of votes of thanks to the retiring president, Mr. Rhodes, to Mr. A. L. Lowell, to Professor A. B. Hart, and to the various persons to whose hospitality in Boston and in Cambridge the society was indebted, the American Historical Association adjourned. The next meeting is to be held in Detroit, on Thursday, Friday and Saturday, December 27, 28 and 29. It is expected that the American Economic Association will meet at the same time and place.

In the evening about a hundred and fifty members of the Association took part in a banquet at the Hotel Brunswick in Boston. Professor H. Morse Stephens acted as toastmaster, and speeches were made by Colonel Thomas Wentworth Higginson, and by Professors Hart, J. B. Moore and Judson.

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The committee on the Justin Winsor Prize desire to make the following announcement:

The Justin Winsor Prize of one hundred dollars offered by the American Historical Association for the encouragement of less well-known writers, will be awarded for the year 1900 to the best unpublished monographic work based upon original investigation in American history, which shall be submitted to the committee of award on or before October 1, 1900. If not typewritten the work must be written legibly upon only one side of the sheet, and must be in form ready for publication. In making the award the committee will take into consideration not only research and originality but also clearness of expression, logical arrangement and literary form. No prize will be awarded unless the work submitted shall be of a high degree of excellence. The successful essay will be published by the American Historical Association.

CHARLES M. ANDREWS,  
*Chairman.*

OFFICERS AND COMMITTEES OF THE AMERICAN HISTORICAL  
ASSOCIATION

<i>President,</i>	Edward Eggleston, Esq.
<i>First Vice-President,</i>	Professor Moses Coit Tyler.
<i>Second Vice-President,</i>	Charles Francis Adams, Esq.
<i>Secretary,</i>	Professor Herbert B. Adams.
<i>Assistant Secretary and Curator,</i>	A. Howard Clark, Esq.
<i>Treasurer,</i>	Clarence W. Bowen, Esq.
<i>Secretary of the Church History Section,</i>	Rev. Dr. Samuel M. Jackson.
<i>Executive Council</i> (in addition to the above named officers) :	

Hon. Andrew D. White,<sup>1</sup>  
 President Charles Kendall Adams,<sup>1</sup>  
 Hon. William Wirt Henry,<sup>1</sup>  
 President James B. Angell,<sup>1</sup>  
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 James Schouler, Esq.,<sup>1</sup>  
 Professor George P. Fisher,<sup>1</sup>  
 James Ford Rhodes, Esq.,<sup>1</sup>  
 Professor Albert Bushnell Hart,<sup>2</sup>  
 Hon. Melville W. Fuller,<sup>2</sup>  
 Professor George B. Adams,<sup>2</sup>  
 Professor A. C. McLaughlin,<sup>2</sup>  
 Professor W. A. Dunning,<sup>2</sup>  
 Hon. Peter White.<sup>2</sup>

*Committees :*

*Committee on the Programme of next Meeting :* Professor A. C. McLaughlin, chairman, Professors J. H. Robinson, F. J. Turner, E. G. Bourne and H. P. Judson, and A. Howard Clark, Esq.

*Local Committee of Arrangements :* Hon. Peter White, chairman.

*Historical Manuscripts Commission :* Reuben G. Thwaites, Esq., chairman, James Bain, Jr., Esq., Herbert Friedenwald, Esq., Professor F. W. Moore, Robert N. Toppan, Esq.

*Committee on the Justin Winsor Prize :* Professor C. M. Andrews, chairman, Professors E. P. Cheyney, H. L. Osgood, T. C. Smith and F. Schwill.

<sup>1</sup> Ex-presidents.

<sup>2</sup> Elected members.



*Committee on the History of Colonies and Dependencies:* Professor H. E. Bourne, chairman, Professors G. M. Wrong, F. W. Williams, A. L. Lowell<sup>1</sup> and H. L. Osgood.

*Committee on Bibliography:* Herbert Putnam,<sup>1</sup> Esq., chairman, Messrs. A. Howard Clark, W. E. Foster, J. N. Larned, George Iles and W. C. Lane.

*Committee on Publications:* Professor E. G. Bourne, chairman, A. Howard Clark, Esq., Professor F. M. Fling, Dr. S. M. Jackson, Professor A. D. Morse, James Schouler, Esq., Professor C. H. Haskins.

*Public Archives Commission:* Professor William MacDonald, chairman, Frederic Bancroft,<sup>1</sup> Esq., Professors L. G. Bugbee, H. W. Caldwell and J. H. Robinson.

*Committee to consider the Preparation of a monographic History of America:* Professor A. B. Hart, chairman, C. F. Adams, Esq., Professors H. B. Adams, W. A. Dunning, J. B. McMaster, F. J. Turner and M. C. Tyler.

*Committee to co-operate with the Royal Societies of England in commemorating the One-Thousandth Anniversary of the Death of King Alfred:* Professor John M. Vincent, chairman, Professor H. Morse Stephens, M. M. Bigelow, Esq.

*Committee to consider the possibility of unifying the Public Repositories of Historical Manuscripts at Washington:* James F. Rhodes, Esq., chairman, Professors H. B. Adams and W. M. Sloane.

<sup>1</sup> Have declined to serve.

## THE PROBLEM OF THE NORTH

### A STUDY IN ENGLISH BORDER HISTORY

THE task of bringing the border counties of England into line with the rest of the kingdom was not the least troublesome of the problems of internal policy that confronted Henry VIII. and his ministers. Wolsey handled the difficulty with very indifferent success; it remained for Cromwell (or for the King acting through Cromwell) to deal with the Pilgrimage of Grace and to undertake, after that movement had been suppressed, the reconstruction of the North. For this purpose the northern counties were placed under the direct control of the King and his council, and consequently to a great extent beyond the reach of Parliament and the common law. An offshoot of the privy council, called into being by royal commission under the official style of the President and Council of the North and vested with practically absolute administrative and judicial powers, was in 1537 placed at York.

This review of familiar facts raises the question of the origin of the problem which Henry VIII. solved in this arbitrary fashion. The answer to that question will affect any estimate of the character and motives of Henry VIII. For if the disaffection of the northern counties and their subsequent rebellion was due to the King's determination to render himself absolute, even at the cost of a change of religion, then the harsh treatment they received must be condemned as mere tyranny. But if the causes of the trouble in the North lay deeper than this, if the northern counties had from early times been kept on a footing somewhat different from the other English counties, so as never to have been quite assimilated to the rest of the kingdom, then Henry VIII.'s measures will appear in an altered light. In the King's dealing with the North will be seen an effort to complete the consolidation of England which will go far to account for, if not to mitigate, the harshness and brutality which were undoubtedly practised. It is hoped that the present study will show this to be the just view of the case.

The circumstances which differentiated the northern counties from the rest of England were, first, the fact that they did not actually form part of the kingdom until late in the reign of Henry II.; sec-



ond, the development, in the thirteenth century, of a special jurisdiction of the marches which in military and (although in a less degree) judicial affairs extended over Northumberland, Cumberland and Westmoreland, and influenced Lancaster, Durham and York; third, the war with Scotland during the fourteenth and fifteenth centuries, which tended to throw the administration of the border counties directly into the hands of the King and his council and to retard civilization by frequent devastations of the North; last, the circumstances of the Wars of the Roses, during which the extensive influence exerted in behalf of a revived feudalism by the families of Nevill and Percy created a feeling of local independence and segregation from the rest of the kingdom. These, in the main, were the factors that went to make up the problem which presented itself in the beginning of the sixteenth century. Some consideration of the points here suggested is necessary before passing to the efforts to solve the problem which culminated in the erection of the Council of the North.

The counties of Westmoreland, Cumberland and Lancaster, and Northumberland, Durham and York, formed parts respectively of the ancient kingdoms of Cumbria and Northumbria. The kingdom of Northumbria extended northward to the Forth and southward to the Humber, and the district between Forth and Tweed known as Lothian was not obtained by the Scots king until the year 1018.<sup>1</sup> Northumbria was conquered by Wessex and divided, and eventually the ancient kingdom split up into the two earldoms of Northumberland and York. It has been convincingly argued that the independence of the Northumbrians survived their conquest by the West Saxons, expressing itself at first in the influence exerted by the local witan in the choice of rulers, and later in the persons of the Earls of Northumberland and the lords of the great northern franchises such as Durham, Richmond, Lancaster, Hexham and Tyne-mouth.<sup>2</sup>

The northwestern part of England had been, since the year 945, held by the Scots kings, of the English crown. But the suzerainty thus exercised was very vague and ill-defined.<sup>3</sup>

The counties of Northumberland, Cumberland, Westmoreland and Durham were not included in the Domesday Survey, and the accounts of Cheshire and Yorkshire show that the King had but a limited interest in those districts.<sup>4</sup> The absence of the northern

<sup>1</sup> Hume Brown, *History of Scotland*, I. 43.

<sup>2</sup> W. Page, *Northumbrian Palatinates*, in *Archæologia*, Vol. LI. pt. 1, pp. 143 ff.

<sup>3</sup> *Anglo-Saxon Chronicle*, A. D. 945 (Rolls Series), I. 212-213; Stubbs, *Constitutional History*, I. 595.

<sup>4</sup> *Domesday Book*, I. 262-270, 298-333.

counties from a survey which was intended to embrace the whole territory of England has never been satisfactorily explained, although it is generally accounted for on the ground that the North had not yet sufficiently recovered from the Conqueror's devastations to make it worth while to send commissioners there.<sup>1</sup> Now the county of Durham is understood to have been more effectively ravaged than any other part of the North.<sup>2</sup> But if the theory be accepted that in six years this county had not sufficiently recuperated to make it worth the King's while to send his commissioners there, how is this to be reconciled with the fact that in another six years<sup>3</sup> the Bishop of Durham was able to build the greater part of what to-day remains the most splendid ecclesiastical fabric in England? It has been more plausibly suggested that the omitted counties were either in the hands of the Scots, "or else in such condition as no Commissioners dare adventure into them, to take the Returns of Juries, and make the Survey."<sup>4</sup> At this time, probably, there was no very clear distinction between Lothians and Northumbrians as Scots and Englishmen, and the undescribed district included the earldoms of Cumberland and Northumberland, both of which possessed a high degree of local independence.<sup>5</sup> Domesday Book was primarily a geld-book, and the chief purpose of the survey was to increase the King's revenue.<sup>6</sup> Therefore the King would not send his commissioners into districts where he could not expect to take revenue. But it has been seen that the earldoms of Cumberland and Northumberland were independent of the crown in local affairs, and Durham and Chester, although not yet palatinates, already enjoyed high immunities.<sup>7</sup> Again, the King had as yet no castle north of Tees. Bamborough belonged to the earls of Northumberland, Norham and Newcastle were still to be, and Durham, although founded by the Conqueror, belonged to the bishop.<sup>8</sup> In the eleventh century,

<sup>1</sup> Kelham, *Domesday Book Illustrated*, p. 15; Ellis, *Introduction to Domesday*, I. 35-40.

<sup>2</sup> William of Malmesbury, *Gesta Pontificum* (Rolls Series), 271; *Domesday Studies*, II. 494.

<sup>3</sup> This is the extreme limit. William de St. Carilef, Bishop of Durham, was banished in 1088 and did not return to England until 1093, when he immediately began the construction of Durham Cathedral. But there is nothing to prove that he might not have undertaken the work in 1088.

<sup>4</sup> Brady, *Introduction to the Old English History*, App., p. 17.

<sup>5</sup> *Pipe Rolls for the Northern Counties* (Society of Antiquaries of Newcastle-upon-Tyne), Introduction, p. iv.

<sup>6</sup> Maitland, *Domesday Book and Beyond*, p. 3.

<sup>7</sup> Page, *Northumbrian Palatinates*, in *Archaeologia*, Vol. LI. pt. 1., pp. 143 ff. = Sitwell, *The Barons of Pulford*, Introduction, p. ix ff.

<sup>8</sup> Symeon of Durham (Rolls Series), II. 199-200, 260; Brand, *History of Newcastle-upon-Tyne*, II. 127 ff.; *History of Northumberland* (Northumberland County History Committee), I. 22.



then, the northern counties did not, for administrative purposes, form an integral part of the English kingdom.

During the first half of the twelfth century the Scots kings made an attempt to attach the north of England to their kingdom. This effort was much favored by the feudalization of the Scottish lowlands at the hands of Norman adventurers whose rapid success went far toward obliterating any distinction that might earlier have existed between the north-country Englishman and the lowland Scot. The Normans were welcomed by the Scots kings, from whom they obtained grants of land. They built castles and founded great families which, extending across the border in either direction, did homage to both kings.<sup>1</sup> The families of Bruce and Balliol were English before they were Scottish, and David I. was an English earl, as well as the Scots king.<sup>2</sup> In the law, as well, distinctions vanished and in the next century a version of Glanvill's book became popular in Scotland.<sup>3</sup>

So the similarity of language, institutions and religion, on either side of the border, conspired to make the adhesion of the northern counties of England to one or the other crown a matter of political convenience. The territory was equally fit to be worked into either kingdom in the then state of the royal power. Still, the English kings would no doubt have the more difficult task in proportion as they were able, in the rest of their kingdom, to apply strict principles of royal as opposed to feudal government. The body of the English kingdom could be controlled or coerced by a strong king, but in the North the feudal lords emulated the independence of their fellows across the border where the feudal system had reached a high development. This difficulty was complicated by that feudal interpenetration which has already been noticed and which proceeded to such an extent that many great barons could hardly have known to which nation they belonged.<sup>4</sup>

<sup>1</sup> Stubbs, *Constitutional History*, I. 596-597; Burton, *History of Scotland*, II. chs. xiii.-xiv.; Neilson, *The Motes in Norman Scotland*, in *Scottish Review*, October, 1898. The latter writer shows that no less than fifty-one Norman castles, constructed at this period, are still to be identified in the Scottish border counties.

<sup>2</sup> A less prominent but equally striking example of this feudal interpenetration of the two kingdoms is furnished by the family of Umfraville. In the thirteenth century Gilbert de Umfraville was earl of Angus in Scotland and also an English baron with wide estates in Durham and Northumberland. In 1297 his summons to the English parliament as earl of Angus created much perplexity. Again, in the early twelfth century the Scottish lordship of Liddesdale was held by Randolph de Soulis, a baron of Northamptonshire who had estates in Northumberland as well (*Placita de Quo Warranto*, Rec. Com., 604; Banks, *Baronia Anglica Concentrata*, I. 103-105; Armstrong, *History of Liddesdale*, pp. 123-125.)

<sup>3</sup> Pollock and Maitland, *History of English Law*, I. 145, 200-201.

<sup>4</sup> Stubbs, *Constitutional History*, I. 597; Pollock and Maitland, *History of English Law*, I. 202.

The history of the attempt of the Scots kings to acquire the northern counties of England, and the ultimate failure of that attempt, need not be reviewed here.<sup>1</sup> But one often unnoticed phase of the struggle is worthy of attention as showing the undecided—it is too early to call it disloyal—state of the North. Both David I. and William the Lion intrigued to bring the bishopric of Durham under their control, and nearly succeeded. The bishops of Durham were already great among the greatest of English immunitists, and were practically independent local rulers. Upon the death of Bishop Geoffrey, in 1140, William Cumin, a creature of David's, attempted to force himself into the vacant see. Cumin secured the adhesion of the majority of the barons of the bishopric and got *de facto* possession of the temporalities, which he held for three years' time. But he could not obtain either election or consecration, and in 1143 he was obliged to give way before a canonically elected bishop supported by a few of the barons of the province.<sup>2</sup> Again, in the rebellion of 1173 Bishop Pudsey intrigued with William the Lion, agreeing to allow the Scots to pass through the bishopric and to permit the landing of French and Flemish troops at his sea-ports.<sup>3</sup>

Even after the treaty of Falaise (1174), when the captive William was glad to accept what terms he could obtain, the Scots kings did not abandon hope of pushing their frontier southward, and it was not until 1238 that anything like a definite boundary between the two kingdoms was determined.<sup>4</sup> Meanwhile Henry II.'s reorganization of the central government had accomplished the formal attachment of the northern counties to the English crown. But although the danger of these counties ever becoming Scottish was thus averted, a difference between them and the rest of England was frankly acknowledged in the institution and government of the marches against Scotland. Accordingly the nature of the march government and its reaction on the adjacent counties must be considered.

Such natural boundaries as the river Tweed and the Cheviot Hills could be, and were, defined and defended by castles of which

<sup>1</sup> See Burton, *History of Scotland*, II., chs. xiii-xiv; Stubbs, *Constitutional History*, I. 596-597.

<sup>2</sup> Symeon of Durham (Rolls Series), I. 143-167. The story is told at length, and in very indifferent verse, in the *Dialogues* of Laurence, prior of Durham, edited for the Surtees Society by the late Canon Raine, who discussed the whole question in an interesting preface. Laurence's account is contemporary.

<sup>3</sup> Geoffrey de Coldingham, *Historia*, cap. vi., in *Historiae Dunelmensis Scriptores Tres* (Surtees Society), p. 10; Jordan Fantosme, *Chronicle* (Surtees Society), pp. 26, 72; Jerningham, *Norham Castle*, p. 100.

<sup>4</sup> Burton, *History of Scotland*, II. 77-82.



Berwick, Norham and Roxburgh are types. But even these natural and artificial defences did not prevent constant raids and petty warfare which kept the whole country north and south of the border in a state of perpetual demoralization. Further westward, where the natural boundary failed, this dislocated condition was aggravated by the presence of a strip of debatable land. The most definite part of the border was open to dispute, and was much questioned even during the peaceful time in the thirteenth century.<sup>1</sup> But the marches do not clearly come into view until 1249, when, by a treaty concluded in that year between Henry III. and Alexander III., the vague body of rules that had hitherto formed the *modus vivendi* on the borders was arranged and amplified.<sup>2</sup> The east, middle and west marches of England against Scotland comprised parts of the counties of Northumberland and Cumberland and contained the fortified cities of Berwick-on-Tweed and Carlisle. This district was placed in charge of wardens of the marches, who administered march law, and had general civil and military powers. Under certain conditions their authority extended over the adjacent counties. The courts of the marches, or warden courts, concerned themselves chiefly with criminal matters such as march treason, which consisted of illicit communication with the Scots and was punishable with death. But they also entertained some contentious litigation.<sup>3</sup> At the commencement of the fourteenth century the military authority of the march officials began to be extended over the adjacent counties. Their powers were much increased, and they were sometimes styled wardens of Cumberland, or Westmoreland, or Northumberland and the adjacent marches.<sup>4</sup> The bishopric of Durham was at this time a county palatine into which the king's officers could not enter in the discharge of their duties. Chester, on the west, was in the same position, and north of Chester lay the great honor of Lancaster, soon to be raised to the palatine dignity.<sup>5</sup> Thus at the beginning of the fourteenth century the whole of the north of England was under special or extraordinary administrative conditions.

In 1333 the judicial functions of the wardens of the marches were extended so as to include a kind of high police jurisdiction, with powers of arrest and imprisonment. Those who were im-

<sup>1</sup> *Royal Letters of the Reign of Henry III.* (Rolls Series), I. 186-188; *Foedera* (Rec. Com.), Vol. I. pt. ii., pp. 544-565.

<sup>2</sup> Nicolson, *Leges Marchiarum*, pp. 1-9.

<sup>3</sup> Nicolson, *Leges Marchiarum*, p. 3; Redpath, *Border History*, pp. 17-96; Armstrong, *History of Liddesdale*, pp. 1-13.

<sup>4</sup> *Rotuli Scotiae* (Rec. Com.), I. 135, 140, 141, 149, 166, 189, 194, 203; *Foedera* (Rec. Com.), III. 495.

<sup>5</sup> Surtees, *History of Durham*, I. xv.-lv.; Ormerod, *History of Chester*, I. 9-55; Baines, *History of Lancaster*, I. 199-240.

prisoned by this authority could not be brought to trial before the justices of goal-delivery, but had to wait the King's special command. As this authority extended beyond the marches to the adjacent counties, these counties were thus to a certain extent withdrawn from the jurisdiction of the common law.<sup>1</sup>

In 1370 the wardens of the marches were commissioned to visit all liberties, castles, and privileged districts in the northern counties, for the purpose of arresting offenders against their authority and, in general, of correcting abuses. They had also the duty of maintaining the truce recently concluded with Scotland, which involved a civil and criminal jurisdiction over causes and offenses arising under the terms of that truce.<sup>2</sup> Similar commissions issued in 1377.<sup>3</sup> It may be inferred that the policy indicated in this extension of the wardens' authority was made necessary by the demoralized state of the northern counties after nearly a century of war with Scotland.<sup>4</sup>

Again, under pressure of the disorganizing effects of the war in the fourteenth century the plan of bringing the northern counties immediately under the control of the King and his council began to take shape. Already in 1297 the sheriffs of Lancaster, Westmoreland and Cumberland had a special responsibility to notify the King of invasions.<sup>5</sup> In 1314 a special commission, including several of the King's ministers, was sent down to confer with the wardens and local magnates with regard to the safe-keeping of the marches and northern counties.<sup>6</sup> In 1345 the northern prelates were commissioned to collect a similar assembly in the King's name, the decisions of which should be binding on the marches and neighboring counties.<sup>7</sup> In the meantime the King was strengthening his personal hold on the North. In 1362 the duchy of Lancaster was erected into a palatinate for John of Gaunt,<sup>8</sup> and in 1378 that prince was created king's lieutenant in the North and warden-general of the marches.<sup>9</sup>

<sup>1</sup> *Rotuli Scotiae* (Rec. Com.), I. 257; cf. *ibid.*, 276, 282, 398, 436.

<sup>2</sup> *Foedera* (Rec. Com.), III. pt. ii., 895-896.

<sup>3</sup> *Rotuli Scotiae* (Rec. Com.), II. 2.

<sup>4</sup> In the course of the fourteenth century there was a deliberate, but not very successful, effort to draw the northern counties closer to the English system by planting English colonists on, and even across, the borders. We hear a good deal of *Scotii Anglicati*, and even of *Scotia Anglicata*. But this effort, in spite of much encouragement at the hands of the English government, produced little effect. *Rotuli Scotiae* (Rec. Com.), I. 658, 752-753, 794, 856, 887, II. 207; Armstrong, *History of Liddesdale*, 131-134.

<sup>5</sup> Nicolson, *Leges Marchiarum*, pp. 368-370.

<sup>6</sup> *Rotuli Scotiae* (Rec. Com.), I. 113; cf. *ibid.*, 139.

<sup>7</sup> *Ibid.*, I. 663.

<sup>8</sup> Baines, *History of Lancaster*, I. 138; Stubbs, *Constitutional History*, II. 436-437, III. 448; G. E. C., *Complete Peerage*, II. 8-9.

<sup>9</sup> *Rotuli Scotiae* (Rec. Com.), II. 14, 27, 36.



The palatine earldom of Chester was attached to the crown in the person of Edward I., and in 1389 it was permanently connected with the principality of Wales.<sup>1</sup> Finally, toward the close of the century the privy council begins to concern itself with the administration of the marches, auditing the accounts of the wardens and passing on their appointment.<sup>2</sup>

Thus during the fourteenth century the northern counties were kept on a different footing from the rest of England. Durham, Chester, and Lancaster were palatinates, and the two former sent no representatives to Parliament.<sup>3</sup> Large parts of Northumberland and Cumberland were included in the marches, and the increased powers of the wardens, extending for certain purposes over all the northern counties, together with occasional special commissions, brought these counties more and more under the direct control of the King and his council, withdrawing them proportionately from the ordinary administration of the kingdom.

During the fifteenth century this tendency advanced more rapidly. In 1400 the council urged the King to go in person to the North to establish order, which was the more necessary as Richard had been very popular in that region.<sup>4</sup> Later in the same year the council, sitting at Durham, adopted several measures for the defence and control of the marches. Two general superintendents were appointed, who, in association with the ordinary march authorities, formed a kind of conference or council. The loyalty of the North was doubted, for the superintendents were directed to see that the border garrisons be not composed of local troops.<sup>5</sup> In 1402 and 1405 the council was again busy with the affairs of the North.<sup>6</sup>

As in the preceding century, the council passed upon the appointment of march officers, paid their salaries, and, in general, made provision for all expenses of defense and government in the North.<sup>7</sup> Through the officers of the marches the council exercised a certain judicial authority in the North. This consisted chiefly in the application of measures for suppressing disturbances and as far as possi-

<sup>1</sup> Stubbs, *Constitutional History*, II. 47, III. 447; G. E. C., *Complete Peerage*, I. 225-227.

<sup>2</sup> *Proceedings of the Privy Council* (Rec. Com.), I. 9, 11, 12; *Rotuli Scotiae* (Rec. Com.), II. 96.

<sup>3</sup> This exemption was regarded by the other northern counties in the light of an enviable privilege. Stubbs, *Constitutional History*, III. 463.

<sup>4</sup> *Proceedings of the Privy Council* (Rec. Com.), I. 119.

<sup>5</sup> *Ibid.*, I. 124-126.

<sup>6</sup> *Ibid.*, I. 176-178, 255.

<sup>7</sup> *Ibid.*, I. 333, 337, II. 8, 15, 17, 96, 108, 178, 213, III. 7, 8, V. 92, 100; *Rotuli Scotiae* (Rec. Com.), II. 219-220; *Calendar of State Papers* (Henry VIII.), II. pt. 1, No. 1365. Money for the expenses of the North was obtained by the council either as prest-money, or by the assignment of the whole or part of some tax for this purpose.

ble preserving order. But in this direction the wardens and other officers had less discretion than was allowed them in the last century. Their commissions, it is true, conferred on them more general powers of inquiry, arrest and imprisonment, but their instructions were more minute, and in most cases accused persons were to be referred to the King and his council for punishment.<sup>1</sup>

The increased occupation of the privy council with northern affairs also appears in the practice of sending, from time to time, a committee or deputation of that body to sit on the borders for some special purpose. This was generally to negotiate a truce with the Scots, or to adjust difficulties arising out of one already in force.<sup>2</sup> By a treaty in 1449 it was provided that in the event of either King's complaining of the state of the borders, or of infractions of an existing truce, the other should send down two or three members of his council as well to right the matter of immediate complaint as to take general cognizance of border affairs.<sup>3</sup> These commissions, although primarily of a diplomatic and international character, included considerable powers of supervision and administration of local affairs.<sup>4</sup> Also the influence of the King and his council in this direction expressed itself in the occasional organization of the march officers and local magnates into a kind of informal conference or council under the presidency of a royal lieutenant, foreshadowing the devices of the early sixteenth century which eventually crystallized into the Council of the North. This matter is of sufficient importance, as illustrating the conditions and requirements of the North in the late fourteenth and fifteenth centuries and their similarity to those of the sixteenth century, to require special attention.

The lieutenant of the marches or of the North was, as his title implies, the *locum tenens regis* in those parts, representing the King and drawing his authority from the crown and council and not from Parliament. The region placed under his control was therefore necessarily withdrawn from the ordinary administration of the kingdom.<sup>5</sup> The lieutenant of the North first appears, under that title, in 1378, but when Sir Andrew Harclay was created earl of Carlisle in 1322 he was given a general custody of the northern counties that

<sup>1</sup> *Rotuli Scotiae* (Rec. Com.), II. 287; *ibid.*, II. 470-471. The commission to the Earl of Northumberland (A. D. 1480), referred to in the later citation, is of an unusually general character, which may be partly explained by the earl's great unpopularity in the North. He was afterward murdered in a popular rising. Holinshed, *Chronicles*, III. 769-770.

<sup>2</sup> *Royal Letters of the Reign of Henry IV.* (Rolls Series), I. 52-56.

<sup>3</sup> Nicolson, *Leges Marchiarum*, p. 131.

<sup>4</sup> Cf. Coke, *Fourth Institute*, ch. xxvi.

<sup>5</sup> Cf. Armstrong, *History of Liddesdale*, pp. 7-10.



amounted to a lieutenancy.<sup>1</sup> In 1334 and 1350 a *solus superior custos* and a *capitaneus* of the North occur.<sup>2</sup> In 1378 John of Gaunt was created king's lieutenant in the North, with wide civil and military powers and general authority over all the wardens of the marches and northern magnates.<sup>3</sup> He administered the North for four years and in 1380 received additional powers which rendered him virtually absolute there.<sup>4</sup> In 1384 he was replaced by the Earl of Northumberland, who was styled commissary general and had royal authority to grant pardons and to receive outlaws into the king's peace.<sup>5</sup> Similar appointments were made in 1387, 1391 and 1434;<sup>6</sup> but they do not occur during the Wars of the Roses. In 1484 the Earl of Northumberland was created *custos regis generalis* in the North,<sup>7</sup> and after the accession of Henry VII. he was reappointed with the specific purpose of pacifying that region.<sup>8</sup> In virtue of this office he was described as the "Chiefe ruler of the North parts."<sup>9</sup> After Northumberland's death Thomas Howard, earl of Surrey, was made lieutenant-general of the North and held office until 1497.<sup>10</sup> It should be observed that all of these appointments are of a temporary or provisional nature. Men are sent down to accomplish a specific purpose and return. The notion of a lieutenant in permanent residence, representing the continual presence of the King, does not appear until the sixteenth century.

Passing now to the conference or council organized by these royal representatives, it is clear that such a body would be a natural outgrowth of the conditions of the North. It cannot be supposed that a number of wardens, deputies, and other officers of the marches, all owing obedience to one superior officer and all charged with the same duty of quelling disturbances and protecting the country, should not have met together to determine upon common measures for the maintenance of order, defence, or aggression. This kind of conference or association of the march officers occurs as early as 1314<sup>11</sup>, and in the next year there is evidence that some sort of consultation regularly preceded all arrangements for truce or armistice

<sup>1</sup> *Foedera* (Rec. Com.), III. 495; Stubbs, *Constitutional History*, II. 371.

<sup>2</sup> *Rotuli Scotiae* (Rec. Com.), I. 277, 737.

<sup>3</sup> *Ibid.*, II. 14.

<sup>4</sup> *Ibid.*, II. 27, 35; *Foedera* (Rec. Com.), IV. 99.

<sup>5</sup> *Rotuli Scotiae* (Rec. Com.), II. 65-66.

<sup>6</sup> *Ibid.*, II. 89-90, 110, 287; *Proceedings of the Privy Council* (Rec. Com.), IV. 269-277, 295-297.

<sup>7</sup> *Rotuli Scotiae* (Rec. Com.), II. 463.

<sup>8</sup> *Ibid.*, II. 470-471, 484.

<sup>9</sup> Holinshed, *Chronicles*, III. 769-770.

<sup>10</sup> *Ibid.*, III. 769-770, 782-783; *Dictionary of National Biography*, XXVIII. 62 ff.

<sup>11</sup> *Rotuli Scotiae* (Rec. Com.), I. 113; cf. *ibid.*, I. 139.

with the Scots.<sup>1</sup> Instances of this sort of assembly, sometimes including the local magnates and sometimes only the march officers, recur in 1345, 1352 and 1370.<sup>2</sup> Finally, in 1383, John of Gaunt, as king's lieutenant in the North, presides over such a meeting.<sup>3</sup> In the beginning of the fifteenth century John of Lancaster, second son of Henry IV., represented his father in the North, administering that region in association with a kind of council of march officials.<sup>4</sup> The plan of combining the local authorities into a sort of council for the defence and administration of the North is apparent in the arrangements made by the privy council preparatory to the King's departure for France in 1415.<sup>5</sup> The idea is continued during the fifteenth century by the frequent commissions which issued for the negotiation of truces and for their subsequent application and maintenance. These commissions generally included the officers of the marches and several of the northern barons and prelates, and were presided over by the royal lieutenant, if such an officer happened to be present. They were authorized to hear and determine litigation arising out of the terms of the truce and to take and imprison those who neglected them.<sup>6</sup> Finally, when the young Duke of York became lieutenant of the North in 1498, a council of local notables was appointed to assist him.<sup>7</sup>

Another and a powerful force was tending, during this century, to separate the North from the rest of England. This was the increasing local influence of the baronage expressing itself in a kind of feudal reaction. Nowhere was this tendency more apparent than in the great northern families of Nevill and Percy. The barons were the shepherds of the people, and the people recognized them as their leaders.<sup>8</sup> The new and vicious feudalism of the fifteenth century, with its livery and maintenance superseding the national military system and defeating justice, tended to loosen the bonds that drew the whole kingdom together and to foster a sense of remoteness and self-sufficiency in the North.<sup>9</sup> Symptoms of this appear as early as 1404.<sup>10</sup>

<sup>1</sup> *Rotuli Scotiae* (Rec. Com.), I. 151; *Foedera* (Rec. Com.), III. 540, 541.

<sup>2</sup> *Rotuli Scotiae* (Rec. Com.), I. 663, 670, 752, 940.

<sup>3</sup> *Foedera* (original edition), VII. 425.

<sup>4</sup> *Proceedings of the Privy Council* (Rec. Com.), I. 315, 333, 350, II. 91-96, 136-139; Stubbs, *Constitutional History*, III. 60-61; Scott, *History of Berwick-on-Tweed*, pp. 85 ff.

<sup>5</sup> *Proceedings of the Privy Council* (Rec. Com.), VI. 165.

<sup>6</sup> *Rotuli Scotiae* (Rec. Com.), II. 237, 256, 265, 257, 263, 272, 286, 287, 292, 294, 345, 387, 390, 413, 434.

<sup>7</sup> *Ibid.*, II. 517.

<sup>8</sup> Stubbs, *Constitutional History*, III. 561.

<sup>9</sup> *Ibid.*, III. 548-555.

<sup>10</sup> *Royal Letters of the Reign of Henry IV.* (Rolls Series), I. 206, 207.



The northern baronage also contrived to keep the administration of the marches almost continuously in their own hands. Throughout the century Nevills and Percies are appointed and re-appointed to the wardenships.<sup>1</sup> Dacres, Scropes, Mowbrays, Cliffords and De Roos, as well as the palatine bishops of Durham, also appear frequently in this capacity, and these names fill out the list of northern barons who exerted local influence.<sup>2</sup> Thus the ordinary local influence of the baronage was intensified by their extraordinary powers as lords marchers, and this second power was so constantly exercised by the two greatest northern families that men could not discriminate between the ordinary and extraordinary authority of the Percies and Nevills. Finally, the disruptive clan system obtained on the English side of the border to a much greater extent than is commonly supposed.<sup>3</sup>

These, then, were the conditions and forces tending to differentiate the North from the rest of England up to the beginning of the sixteenth century. The demoralizing effect of border warfare is readily enough understood, but the statement that the disorganization extended beyond the marches to the five northern counties needs some illustration. In 1384 it was complained in Parliament that people from Durham and Chester were in the habit of making raids, for cattle-lifting and the like, into the adjoining counties and then returning to their privileged districts beyond the reach of punishment.<sup>4</sup> In the fifteenth century an effort was made to correct these disorders by legislation, and the statute prepared for this purpose also sought to check the abuse of livery and maintenance. But the futility of the act is apparent in the means taken to enforce it. The lords in parliament and all lords of franchises were asked to take a personal oath to support the statute, which was also communicated to the bishop of Durham and the chamberlain of Wales with directions that they should exact a similar oath from the people of the two palatinates.<sup>5</sup> In 1488 the people of the North declined to pay their share of a tax on movables which had

<sup>1</sup> *Proceedings of the Privy Council* (Rec. Com.), I. 337, II. 213, IV. 269-277, VI. 65-66; *Rotuli Scotiae* (Rec. Com.), II. 287, 313, 321, 355, 372, 377, 402, 407, 422, 442, 463, 484.

<sup>2</sup> *Ibid.*, I. 940, 962, II. 53, 266, 399, 472, 486, 498, 501, 517, 522; *Proceedings of the Privy Council* (Rec. Com.), VI. 65-66; *Foedera* (original edition), XII. 399, 647; Stubbs, *Constitutional History*, III. 547.

<sup>3</sup> *Tract illustrative of the Border Topography of Scotland*, edited by Sir H. Ellis, *Archaeologia*, XXII. 161-171.

<sup>4</sup> *Rotuli Parliamentorum*, III. 201.

<sup>5</sup> *Ibid.*, IV. 421-422; Bishop Langley's Chancery Roll, C., ann. 30, m. 10, Durham, Cursitor, 36 (Record Office); Calendar of Welsh Records, *Deputy Keeper's Report* XXXVI. App. ii., p. 135.

been granted to the King for the war in Brittany. The Earl of Northumberland, then lieutenant in the North, brought the matter before the King who, fearing to establish a precedent, refused to remit any part of the tax. The earl was unpopular in the north, where Richard III. had been in great favor, and when he reported the King's answer, "the rude and beastlie people . . . furiouslie and cruellie murdered both him and diverse of his household servants."<sup>1</sup> This outbreak originated in York and Durham.<sup>2</sup>

Thus, by way of recapitulation, it appears that up to the accession of the Tudors, the North had never been governed like the rest of England. Not definitely English until the close of Henry II.'s reign, these counties might still have been assimilated to the general system of administration had not the failure of the royal line in Scotland plunged the two countries into a war which was destined to last into modern times. In the meanwhile, the necessity for keeping the marches in order quite withdrew portions of Cumberland and Northumberland from the regular administrative system and strongly affected the government of the neighboring counties. Repeated invasions and expeditions against Scotland, bringing large armies through the North, impoverished and demoralized the country, occasioning disorders which demanded some special form of government. The administration of justice and the maintenance of the peace were seriously crippled by the large number of privileged districts and the undue local influence of the baronage. The effort to meet these difficulties by placing the North under the immediate control of the King and his council did not prove effectual, and probably contributed to increase the existing disorganization. In this way it came to pass that the problem of incorporating the northern counties with the rest of England was yet unsolved at the accession of the house of Tudor. It can not be said that Henry VIII. reached a final solution of the problem. He crushed, however, a dangerous rebellion in his own time and submitted the northern counties to such a discipline, that they were able a century later to take their natural place in the kingdom.

Some notion of the conditions and requirements of the North at the beginning of the sixteenth century has now been obtained; it remains to examine the attempts made to meet these requirements up to 1537, when a policy was adopted that for a century served its purpose well. After Surrey had suppressed the rebellion of 1488,

<sup>1</sup> Holinshed, *Chronicles*, III. 769-770; *Materials for a History of the Reign of Henry VII.* (Rolls Series), II. 480.

<sup>2</sup> Holinshed, *Chronicles*, III. 769-770.



Thomas, Lord Dacre of Gilsland, a nobleman of much local influence in Cumberland, became warden of the marches and held that office with few interruptions until his death in 1525.<sup>1</sup> Up to 1522 Dacre, in association with Sir Anthony Ughtred, captain of Berwick, and Dr. Magnus, archdeacon of the east riding of Yorkshire, administered the North under the direction of Wolsey.<sup>2</sup> In this arrangement there is latent the notion of a lieutenant and council acting as the representatives of the central government, a notion which in its inception and rudimentary development has been traced through the fourteenth and fifteenth centuries. The warden corresponds to the lieutenant; he was in constant communication with the King and privy council, submitting to them detailed reports of his actions and receiving in return equally detailed instructions.<sup>3</sup> In 1516 and again in 1518 the warden's influence over the civil administration of the northern counties was increased.<sup>4</sup> Dacre's frequent consultations with Ughtred and Magnus, and their common reports to Wolsey, represent the local council.

After the victory of Flodden Field, in 1513, the chief duty of Dacre and his colleagues was to fortify the North and establish order. Their efforts to accomplish this end were continued with very indifferent success for eight years. But in 1521 it was made apparent to Wolsey that the existing arrangements were no longer adequate.<sup>5</sup> At the same time the King's intimate relation with the Queen Dowager and the infant King of Scots and the attitude of the Duke of Albany, who represented the French influence in Scotland, made it imperative that the English government should have such complete control of the borders as to prevent the unforeseen outbreak of hostilities.<sup>6</sup> New measures for administering the North were therefore devised, and this marks the close of the first stage in the development of the Council of the North.

Wolsey's device to meet the new requirements consisted in the mission of a royal lieutenant to put the North in order, and the

<sup>1</sup> *Calendar of State Papers* (Henry VIII.), III. pt. ii., No. 3096; IV. pt. i., No. 1727.

<sup>2</sup> *Ibid.*, I. No. 1850; II. pt. i., No. 1598; II. pt. ii., No. 3365.

<sup>3</sup> *Ibid.*, I. Nos. 380, 3577, 4105, 4870, 5090; II. pt. i., No. 2620; II. pt. ii., Nos. 3386, 4547; III. pt. i., No. 1169. Several of Dacre's reports are printed *in extenso* in Raine, *North Durham*, p. vi. ff.

<sup>4</sup> *Calendar of State Papers* (Henry VIII.), II. pt. i., No. 2481; II. pt. ii., No. 4547.

<sup>5</sup> "A bill of information made unto my lord Cardinal's grace for the repressing of maintainers of murder within the county of Northumberland." *Calendar*, III. pt. ii., Nos. 1920-1921. This document may have been the work of Dacre and his associates, but its origin is not clear. The original marginalia show that nearly all prisoners were sent up to London to be dealt with by the privy council.

<sup>6</sup> *Ibid.*, III. pt. ii., No. 2075.

organization of a secret, permanent council to aid the lieutenant and to carry on the policy he had inaugurated. It will be seen at once that this scheme contains no novelty beyond the definite and permanent organization of the council. All the elements were tried and familiar. In February, 1522, John Kite, the newly elected bishop of Carlisle, was sent northward with full instructions for organizing the secret council. The King, it was explained, intended shortly to appoint some proper nobleman as his lieutenant north of the Trent, "to set that country in readiness." In the meantime Kite was to join Dacre at Carlisle and there to assemble certain northern gentlemen, designated as councillors.<sup>1</sup> The council was presided over by Lord Dacre, and Kite acted as treasurer. Troops and funds were placed at its disposal and it was entrusted with the general administration of the North.<sup>2</sup>

The appointment of a lieutenant was put off until the summer, but in the meantime the council met at the summons of Dacre.<sup>3</sup> It was not, however, as successful as had been hoped. In May, Kite reported to Wolsey complaining of want of money, charging various members of the council with inefficiency, avarice and dishonesty, and recommending that "some good captains should be sent down."<sup>4</sup> Wolsey at once remanded Kite to his diocese and deprived him of his office of treasurer to the council, which he conferred on Dacre.<sup>5</sup> It is clear that from the beginning Wolsey intended that the council should be no more than a convenient mechanism for carrying out his will in the North.<sup>6</sup>

The time has now come for the mission of a royal lieutenant and the choice fell upon George Talbot, earl of Shrewsbury. Shrewsbury, under the title of lieutenant-general of the North, was given wide powers and minute instructions. He was to go to York and there to take over the general command of the King's troops and garrisons in the North, to suppress disturbances and to administer impartial justice in all causes. In the matter of residence he was allowed to choose among the royal houses of Pontefract, Sheriff Hutton and Barnard Castle, the first two in Yorkshire and the latter

<sup>1</sup> These were Sir William, Sir Robert and Sir Marmaduke Constable, Sir William Bulmer, Sir Christopher Dacre (one of the wardens of the marches), and Sir Anthony Ughtred, captain of Berwick. *Calendar*, III. pt. ii., No. 2075.

<sup>2</sup> *Ibid.*, III. pt. ii., No. 2075.

<sup>3</sup> *Ibid.*, III. pt. ii., No. 2186.

<sup>4</sup> *Ibid.*, III. pt. ii., No. 2271.

<sup>5</sup> *Ibid.*, III. pt. ii., Nos. 2294-2295, 2613. A letter from Kite to Wolsey announcing that he had transferred to Dacre the funds in his possession as treasurer of the council, seems to belong here rather than in the following year where it has been placed by Mr. Brewer. *Calendar*, IV. pt. I., No. 448.

<sup>6</sup> *Ibid.*, III. pt. ii., No. 2318.



in Durham. This point is of importance as defining the territorial extent of the lieutenant's jurisdiction, which was to extend southward over Yorkshire and to include the county palatine of Durham. Finally, he was to accept the aid and advice of the secret council, to which he was to add certain gentlemen designated in his instructions.<sup>1</sup> It was not part of Wolsey's plan to keep a lieutenant permanently resident in the North. He seems to have thought that for the purposes of ordinary administration, Dacre's long experience aided by the collective wisdom and local influence of the council, and occasionally reinforced by the presence of a royal lieutenant, would suffice to keep the North in good order. But this calculation proved to be incorrect.

Shrewsbury's mission was uneventful and not very successful.<sup>2</sup> Accordingly in the next summer (1523) the King sent down Thomas Howard, earl of Surrey. Surrey joined the council and lost no time in taking an active part in the civil, military and judicial administration of the northern counties.<sup>3</sup> He sat with the judges in their circuits, attempted to harmonize local factions, and in general informed himself of the condition and needs of the district under his control. In August he wrote to Wolsey that the administration of justice was slack and the abuse of livery and maintenance very prevalent, that the intention of the government to put the North in order was not taken seriously, and that Wolsey's method was ineffectual. In conclusion he suggested that some great nobleman be appointed to be continually resident, assisted by such a council as already existed in the marches of Wales.<sup>4</sup> From this it appears that the northern counties were still in the chaotic and disordered state in which they had been in the preceding centuries. The suggestion of a council can not be taken to imply that the body organized the year before had been disbanded, for its report to Wolsey, in August, 1523, is evidence of its continued existence.<sup>5</sup> This docu-

<sup>1</sup> These were the Lords Darcy, Latimer, Percy and Conyers, all north-country names. The councillors were to take oath according to a form subjoined to Shrewsbury's instructions. *Calendar*, III. pt. ii., No. 2412.

<sup>2</sup> *Ibid.*, III. pt. ii., No. 2544.

<sup>3</sup> *Ibid.*, III. pt. ii., No. 3200.

<sup>4</sup> The whole of this letter is important and interesting. Surrey complained that at Durham, where he sat with the judges, "only one man, an Irishman, was hanged." At Newcastle twelve indicted persons had escaped, and although eleven others were produced, it was impossible to get evidence against them because "so few of the gentlemen of Northumberland . . . have not thieves belonging to them." The whole system is weak, "the whole country thinks the talk of administering justice here is only intended to frighten them, as no man is appointed to continue among them to see justice administered." In conclusion he says that "the judges think it is ten times more necessary to have a council here than in the marches of Wales." *Calendar*, III. pt. ii., No. 3240.

<sup>5</sup> *Ibid.*, III. pt. ii., No. 3286.

ment was clearly inspired by Surrey. It recommends that the privy council take active measures for the suppression of livery and maintenance in the North, that the local council hold four sessions annually for judicial purposes, and that "some great and discreet nobleman" should be made warden of the marches and required to remain permanently in the North to see that justice was effectually administered there.<sup>1</sup> Surrey saw what Wolsey could not or would not see, and if the lieutenant's policy had been immediately adopted it is by no means impossible that the central government might have obtained so firm a hold upon the North that it would have been able to withstand the great strain of the change of religion and its attendant circumstances that led to the rebellion of 1536. But Wolsey must have found it hard to accept the suggestion of his rival, particularly when that suggestion involved his resigning the personal direction of a part of the administration.

The plan was therefore received in a half-hearted way, and in October Surrey was made warden of the marches.<sup>2</sup> He had no wish, however, to remain long away from the court, and in December he left the North and was immediately succeeded in his office of warden by Dacre.<sup>3</sup> Early in the new year (1524) the secret council assembled to take action on instructions newly sent down by Wolsey.<sup>4</sup>

The change in the King's relations with Scotland which declared itself in the summer of 1524 made it imperative that the borders should be controlled and kept quiet. Elaborate preparations were made for the meeting between the chancellor of Scotland and Surrey (now duke of Norfolk), who was sent north to carry out the king's intention of "erecting the young king of Scotland."<sup>5</sup> The negotiation failed, the border relapsed into a disordered state and the council applied its energies to arranging raids—warden-rides they were called—into Scotland.<sup>6</sup> It was now apparent that the secret council, even with the aid of a lieutenant, did not meet the requirements of the case. The scheme had failed, and something new had to be devised. Here, then, closes the second stage in the development of the Council of the North.

In the summer of 1525, Henry Fitz Roy, a natural son of Henry VIII., was sent to the North as a permanent representative

<sup>1</sup> *Calendar*, III. pt. ii., No. 3286.

<sup>2</sup> *Ibid.*, No. 3438.

<sup>3</sup> *Ibid.*, III. pt. ii., No. 3626.

<sup>4</sup> *Ibid.*, IV. pt. i., No. 219.

<sup>5</sup> *Ibid.*, IV. pt. i., Nos. 474, 498, 506, 516, 525, 530, 535, 549, 571.

<sup>6</sup> *Ibid.*, IV. pt. i., No. 762; see Armstrong, *History of Liddesdale*, pp. 217-



of the King's authority in that region. Henry, at this time six years of age, was created duke of Richmond, and appointed lieutenant-general north of Trent, keeper of Carlisle and warden-general of the marches.<sup>1</sup> To enable him to discharge the duties connected with these offices and to administer the North the young duke was surrounded with a council having very much the same membership as the earlier secret council. It contained also Dr. Magnus and William Frankleyne, archdeacon and temporal chancellor of the Bishopric of Durham, a man of the same stripe as Magnus and, like him, an agent of Wolsey. Richmond remained in the North, chiefly at Pontefract and Sheriff Hutton in Yorkshire, until 1532. During this period his council, under the close supervision of Wolsey as long as he remained in power and afterward with greater independence, conducted diplomatic relations with Scotland and administered the northern counties in the name of the Duke of Richmond. This is a slight variation of the plan of a lieutenant and council, but it introduces the element of permanence and constant residence on the part of the royal representative. These arrangements form Wolsey's final contribution to the solution of the problem. If subsequent events proved it futile it did, at least, last his time and was by him considered adequate.<sup>2</sup>

But Wolsey was mistaken. The acts of the duke's council and its relation to the central government show that it was ineffectual. A vigorous policy and sufficient independence to permit of immediate action in the face of difficulties, were demanded by the situation. Norfolk had seen this at once and the failure of the secret council had corroborated him. But Wolsey shut his eyes to all this and kept the new council, as he had kept the old one, in close leading-strings. In the autumn of 1525 the duke's council wrote to Wolsey asking for money and for leave to appoint wardens and to fill a vacancy in its own body.<sup>3</sup> The North was now in a very disturbed condition and great efforts were made to establish order to promote the King's negotiations with Scotland. Magnus, now English resident at the court of James, went to the borders, and Norfolk was again sent down as lieutenant. But all to no purpose. In December the Earl of Westmoreland, as a last resort, summoned an assem-

<sup>1</sup> *Ibid.*, IV. pt. i., Nos. 1431, 1510; *Dictionary of National Biography*, XIX. 204, 205.

<sup>2</sup> In 1526 the Scots King submitted to Henry VIII. a list of gravamina entitled, "Misrule of the Borders." Wolsey endorsed this document thus, "Provision is made already to this effect by the duke of Richmond's council;" showing that he considered the duke's council the solution of the whole northern difficulty. *Calendar*, IV. pt. i., No. 2292.

<sup>3</sup> *Ibid.*, IV. pt. i., Nos. 1727, 1779.

bly of the gentlemen of the borders and the lieutenants of the marches and begged them to observe a kind of *modus vivendi* arranged by himself and the Earl of Angus.<sup>1</sup> In the meantime Wolsey sent for several members of the Duke of Richmond's council to confer with him at London.<sup>2</sup> By the spring some improvement had been effected,<sup>3</sup> and in the course of the summer the council bestirred itself and began to attend to the civil administration of the North.<sup>4</sup> In August it was sitting with the judges of assize at York and Newcastle in order to secure evidence and indictments, and was trying to keep the unruly clans or "surnames" quiet by paying them.<sup>5</sup> In December the council was alarmed at the consequences of its own activity. There had been serious disturbances in the North and a number of raids and robberies on the borders. The council had begun to repress these vigorously but soon found itself in conflict with the Earl of Northumberland. Terrified by the great local influence of the Percies it at once gave over the whole affair, referring it to Wolsey and the privy council.<sup>6</sup>

Thus ends the first year of the council's administration, a record of timorous ineptitude. But this was probably as much the fault of Wolsey as of the council. He allowed it little independence and, occupied as he was with questions of international policy, neglected the North. A new pope had recently been elected and already the question of the divorce was beginning to overshadow all other problems; so Wolsey let affairs on the border take their course. The council, however, quite recognized its own inefficiency, and pointed out to Wolsey, in terms much the same as Norfolk had used four years earlier, the measures that ought to be taken to establish order in the northern counties. During the summer of 1527 it had continued its usual activities, corresponding with the Scots King about the affairs of the border and busying itself with the civil and judicial administration of the district under its control. It sat with the judges at York and Newcastle, and appointed members of its own body to the shrievalties of Northumberland and Cumberland.<sup>7</sup> But its authority was disregarded and, doubting its own legality, it implored the king to maintain its credit.<sup>8</sup> Uncertain and hesitating in

<sup>1</sup> *Calendar of Stat. Papers* (Henry VIII.), IV. pt. i., Nos. 1808, 1809, 1821, 1862 (ii).

<sup>2</sup> *Ibid.*, IV. pt. i., No. 1910.

<sup>3</sup> *Ibid.*, IV. pt. i., Nos. 1980, 2004, 2031.

<sup>4</sup> *Ibid.*, IV. pt. ii., No. 2402.

<sup>5</sup> *Ibid.*, IV. pt. ii., No. 2402.

<sup>6</sup> *Ibid.*, IV. pt. ii., Nos. 2729, 2993; cf. also *ibid.*, No. 2608.

<sup>7</sup> *Ibid.*, IV. pt. ii., Nos. 3344, 3404, 3477, 3501, 3610.

<sup>8</sup> *Ibid.*, IV. pt. ii., No. 3383. This was in August, 1527; the letter is signed by Magnus, Parre, Bulmer, Foljambe, Tempest, Taite and Bowes, and countersigned by Uvedale, secretary of the council. See also *Calendar*, IV. pt. ii., No. 3552.



ordinary affairs, the council found itself absolutely incapable of coping with a difficulty connected with the escape from prison of two members of the Lisle family, which in the course of the summer threatened to develop into a popular rising.<sup>1</sup> In November the council wrote to Wolsey confessing its entire inability to deal with the problems confronting it, and asking that some great nobleman be sent down, "to lie continually in Northumberland."<sup>2</sup>

The communication demanded and received instant attention. On December 2, 1527, the Earl of Northumberland was appointed warden-general of the marches with directions to govern the North with the aid and advice of the council which, for the rest, had undergone some reorganization.<sup>3</sup> The new warden went north at once, and after visiting the Duke of Richmond at Pontefract, joined the council at Newcastle.<sup>4</sup> He immediately proceeded to inaugurate a policy of greatly increased severity by proclaiming serious temporal and spiritual penalties against all who did not submit to the King's mercy.<sup>5</sup> On January 12 he held a march court at Alnwick, where nine persons were beheaded for march treason and five hanged for felony.<sup>6</sup> All through the year (1528) he and the council submitted to Wolsey constant and detailed reports of their doings.<sup>7</sup> Still the council was kept in leading strings, and when in March it undertook to appoint a *locum tenens* to supply the place of its secretary it was sharply snubbed by Wolsey.<sup>8</sup> In October the council professed itself unable to settle a dispute between the Earl of Cumberland and Lord Dacre and submitted the case along with a number of other similar matters to Wolsey.<sup>9</sup> But the chancellor continued to affirm the legality of the council's jurisdiction by occasionally referring to it cases of which it might appropriately take cognizance.<sup>10</sup>

For three years after the fall of Wolsey the history of the North of England is involved in great obscurity, owing to the extreme scarcity of documentary evidence.<sup>11</sup> Toward the close of the year 1531 the Earl of Northumberland, still warden of the marches, submits to the King a long report on Scottish affairs and the condition

<sup>1</sup> *Ibid.*, IV. pt. ii., Nos. 3383, 3501, 3552.

<sup>2</sup> *Ibid.*, IV. pt. ii., No. 3552.

<sup>3</sup> *Ibid.*, IV. pt. ii., Nos. 3628, 3629.

<sup>4</sup> *Ibid.*, IV. pt. ii., No. 3689.

<sup>5</sup> *Ibid.*, IV. pt. ii., Nos. 3795, 3816.

<sup>6</sup> *Ibid.*, IV. pt. ii., No. 3795.

<sup>7</sup> *Ibid.*, IV. pt. ii., Nos. 3849, 3850, 4132-4134, 4925.

<sup>8</sup> *Ibid.*, IV. pt. ii., No. 4042.

<sup>9</sup> *Ibid.*, IV. pt. ii., No. 4855.

<sup>10</sup> *Ibid.*, IV. pt. iii., No. 5430.

<sup>11</sup> *State Papers* (Rec. Com.), IV. introduction.

of the North.<sup>1</sup> The council is not mentioned, but its continued existence may be inferred from its subsequent reappearance and from the fact that the Duke of Richmond remained in Yorkshire until the spring of 1532.<sup>2</sup> Richmond's departure marks the formal close of the third stage in the development of the Council of the North. But the next period, from 1532 to the outbreak of the rebellion in 1536, presents no new elements and is characterized by retrogression rather than development. After Richmond had gone there was some question of sending Norfolk again as lieutenant. But this was dropped and Northumberland retained the civil and military administration of the North.<sup>3</sup>

The council reappears in January 1533. Cromwell was now well established in power and through his agent Sir George Lawson, treasurer of Berwick, began to deal with the problem of the North. After Richmond's departure his council had joined Northumberland and they acted in common, under the style of the Lord Warden and Council of the Marches. Cromwell accepted the existence of this apparatus and controlled it through Lawson, who had charge of all the King's money which was applied to the defence of the borders. In January, 1533, Lawson wrote to Cromwell advising that the King should "send a strait letter to my Lord Warden and the Council here," with regard to the mustering of troops.<sup>4</sup> The council now consisted chiefly of the local gentry, each of whom was bound to produce a certain retinue or following when a "rode" was to be undertaken. They sat with the warden at Alnwick and were chiefly concerned with the defence of the borders and the arrangement of invasions or "rodes" into Scotland.<sup>5</sup> They were under the close supervision of the central government, reporting constantly to Cromwell or to the King (sometimes by letter and sometimes in the person of one of their members sent to London for the purpose), and receiving detailed instructions from them.<sup>6</sup> Besides this, Lawson, from time to time, communicated his opinion of the warden and council to Cromwell.<sup>7</sup>

Early in 1533 Lawson suggested that, instead of relying upon private retainues, the warden and council should resort to a general levy in the northern counties. This was partly owing to his distrust of the local nobility and gentry.<sup>8</sup> In February Lawson re-

<sup>1</sup> *State Papers* (Rec. Com.), IV. Nos. ccxv., ccxxii.

<sup>2</sup> *Dictionary of National Biography*, XIX. 204-205.

<sup>3</sup> *State Papers* (Rec. Com.), IV. Nos. ccxxv., ccxxix., ccxxxi., ccxxxv.

<sup>4</sup> *Calendar of State Papers* (Henry VIII.), VI. No. 16.

<sup>5</sup> *Ibid.*, VI. Nos. 51, 124, 155, 217, 260, 322.

<sup>6</sup> *Ibid.*, VI. Nos. 17, 107, 113, 322, 375, 605, 909, 1048, 1187.

<sup>7</sup> *Ibid.*, VI. Nos. 51, 217.

<sup>8</sup> *Ibid.*, VI. No. 16.



peated his suggestion, with the significant recommendation that the troops raised in this fashion should be commanded by captains from some other part of England.<sup>1</sup> He continued to urge his plan, but Northumberland, who was looking back to the feudal glories of the Percies in the fifteenth century, successfully opposed it.<sup>2</sup> Had it been adopted it is possible that the rebellion might have been immediately crushed or even averted; but the King, like Wolsey when warned by Norfolk, would not or could not see.

The council at this time was composed of five or six persons several of whom had belonged to the Duke of Richmond's council.<sup>3</sup> It was occupied with fortifying the borders, treating with the Scottish commissioners and, in a small way, with the general administration of the North.<sup>4</sup> It was officially known as the Council of the Marches.<sup>5</sup>

This method of administration was continued up to the very eve of the rebellion.<sup>6</sup> Lawson's prudent suggestion of a general levy was not accepted,<sup>7</sup> but some slight ceremonial changes, emphasizing the character of the warden as immediate representative of the King, were introduced.<sup>8</sup> Under pressure of larger interests of state the King and Cromwell were neglecting the northern counties, or only dealing with the disorders there in an abrupt and intermittent fashion that produced exasperation without relief and was worse than total neglect.<sup>9</sup> Cromwell was conscious of this, for in June 1535 there appears in his memoranda a note regarding the suppression of riots in the North by means of establishing there such a council as already existed in the marches of Wales.<sup>10</sup> But the matter was allowed to stand over. In the meantime events were hurrying to a climax and no measures had been taken for controlling the North. Cromwell's agent, Barlow, wrote to him from Berwick early in 1536 describing the disordered condition of the North. "Authority," he says, "must be given to execute justice without fear of partiality, otherwise admonitions only make things worse."<sup>11</sup> Still Cromwell

<sup>1</sup> *Ibid.*, VI. Nos. 124, 145.

<sup>2</sup> *Ibid.*, VI. Nos. 145, 217, 269, 1589; *State Papers* (Rec. Com.), IV. Nos. ccxxxv., ccxl.

<sup>3</sup> The members were: Magnus, Sir Thomas Clifford, Sir Thomas Wharton (who wore the Earl of Northumberland's livery but had been appointed at Cromwell's direction), and Sir Ralf Ellerkar. Both Magnus and Ellerkar had served on Richmond's council. *Calendar*, VI. Nos. 17, 51, 143, 150.

<sup>4</sup> *State Papers* (Rec. Com.), IV. Nos. ccxlv., ccxvi.-cclii.

<sup>5</sup> *Calendar of State Papers* (Henry VIII.), VI. No. 150.

<sup>6</sup> *Calendar of State Papers* (Henry VIII.), VIII. Nos. 696, 945, 992-994.

<sup>7</sup> *Ibid.*, IX. No. 1078.

<sup>8</sup> *Ibid.*, VIII. No. 100.

<sup>9</sup> Froude, *History of England*, III. 96.

<sup>10</sup> *Calendar of State Papers* (Henry VIII.), VIII. No. 892.

<sup>11</sup> *Ibid.*, X. No. 286.

was not to be roused. In the course of the summer things rapidly grew worse, grew, in effect, as bad as possible, and in October the rebellion broke out. The story of the Pilgrimage of Grace has been told elsewhere;<sup>1</sup> for present purposes its consequences alone are important. The effort to restore order in the North after the close of the rebellion forms the last stage in the development of the Council of the North.

The organized rebellion was brought to an end by the pacification at Doncaster, December 2, 1536, but the danger of a fresh outbreak was not passed until the execution of Aske in the following July. During these seven months the North was governed under martial law by the Duke of Norfolk and a council. Early in January (1537), Norfolk, who had gone home after the meeting at Doncaster, was again on his way northward.<sup>2</sup> A few members of the council which was to help him to restore order accompanied him; the rest were northern gentlemen who were appointed to join him at Doncaster. Norfolk's instructions show that the mission of a council and lieutenant at this time was a provisional measure. The King himself intended to go northward in the summer. Meanwhile, Norfolk and the council were to hear complaints, redress grievances and in general to pacify the North by exercising as much severity as could safely be applied. The part to be played by the council is also set forth in Norfolk's instructions, "that things may be handled substantially, so that people may see the good of law and the evil of violence, his Majesty has joined with the said Duke an honourable council . . . whose advice the Duke shall in all things use."<sup>3</sup> The rebels were required to sue out their pardons individually, and to facilitate this process Norfolk was directed to go from place to place, administering to those who sued for pardon the oath of allegiance under a special form. He had express instructions to keep all who asked for pardons "dangling" until the King's arrival.<sup>4</sup> The lieutenant and council were also instructed to promote the spreading of the new religion by official preachers, and to contrive if possible to remove the religious of suppressed houses who had returned to their former seats. The lieutenant and council had high judicial authority; they were to

<sup>1</sup> Gairdner's account will be found in the introduction to the *Calendar of State Papers*, Vol. XI., Froude's in the *History*, III., ch. xiii.; cf. A. L. Smith, in *Social England*, III. 21-25.

<sup>2</sup> *Calendar of State Papers* (Henry VIII.), XII. pt. i., No. 86.

<sup>3</sup> *Ibid.*, XII. pt. i., No. 98.

<sup>4</sup> *Ibid.* At Doncaster Henry had promised a free pardon to all and this is the way the promise was redeemed. Froude, the apologist, does not boggle at this; he says, "Norfolk was instructed to respect literally the terms of the pardon." *History*, III. 188.



hold a bi-weekly session replacing the visits of the judges and the local courts, and to make progresses through the country taking cognizance of all commotions and offences that had occurred since the granting of the pardon in December. Considerable allowance was made for Norfolk's inability to carry out these instructions, the whole tone of which is disingenuous<sup>1</sup> and indicates no intention on the part of the King "to respect literally the terms of the pardon."<sup>2</sup>

Norfolk reached Pontefract on February 2, 1537.<sup>3</sup> In the meantime the abortive rising of Bigod and Hallam had occurred and on February 12 riotous scenes, amounting to a fresh outbreak of rebellion, took place at Carlisle.<sup>4</sup> On February 14 the Council of the Marches—for so the body is styled in the contemporary endorsement of the letter—wrote to the King advising him to use greater severity in dealing with these troubles,<sup>5</sup> a suggestion which Henry was not slow to accept. The pacification of the North now began in earnest. The King was alarmed by the renewed outbreak of the rebellion, and Norfolk, at no time over nice, was ready to go to almost any extreme of harshness to redeem himself from the suspicion of disloyalty that he had incurred by his dealings with the insurgents at Doncaster.<sup>6</sup> On February 22 the King instructed Norfolk to proclaim martial law. "You must cause such dreadful execution," he wrote, "upon a good number of the inhabitants, hanging them on trees, quartering them, and setting their heads and quarters in every town, as shall be a fearful warning, whereby shall ensue the preservation of a great multitude."<sup>7</sup> Norfolk was diligent in carrying out these instructions. In Cumberland six thousand persons were arrested and brought before the council, for no convictions could be secured by jury. Seventy-four were executed, "and, sir," wrote Norfolk to the King, "though the number be nothing so great as their deserts did require to have suffered,

<sup>1</sup> If any one refused the oath of allegiance, "the Duke, if he thinks himself able, shall use him as the King's rebel; and if he may not proceed to that punishment without danger, he shall pretend to make light of such a fool." Persons found guilty in the progresses of inquiry "he shall afterwards cause to be apprehended and executed, if it may be done without danger . . . and if he may not do that without danger, he shall look through his fingers at their offences, and free them to continue till the King's Majesty's arrival in those parts." *Calendar*, XII. pt. i., No. 98.

<sup>2</sup> Froude, *History*, III. 188.

<sup>3</sup> *State Papers* (Rec. Com.), I. pt. ii., No. lxxix.

<sup>4</sup> Froude, *History*, III. 182-190.

<sup>5</sup> *Calendar of State Papers* (Henry VIII.), XII. pt. i., No. 421. This letter is signed by T. Clifford, W. Eure, J. Weddrington, R. Collingwood, L. Gray, C. Ratcliffe and J. Horslee, but the Earl of Northumberland and one of the Bowes were also members of the council; see *Calendar*, XII. pt. i., No. 86.

<sup>6</sup> See Norfolk's letter to Cromwell quoted in Froude, *History*, III. 190.

<sup>7</sup> *Calendar of State Papers* (Henry VIII.), XII. pt. i., No. 479.

yet I think the like number hath not be heard of put to execution at one time." <sup>1</sup>

These measures produced the required result, and by the middle of the summer the North was quiet. Whether it had been effectually pacified or merely stunned may be judged from the action of the next generation in 1569. For present purposes it should be noticed that the lieutenant and council of the marches were not regarded as a permanent institution. Some enduring machinery of government had yet to be devised. The discussion of this point is worth attention. A scheme of government submitted to the King early in March 1537 illustrates the general principles upon which Norfolk and Cromwell were agreed. These involved a permanent royal lieutenant and a council with greatly increased authority. It was proposed that some nobleman (who should also be a privy councillor) be appointed lieutenant, "with a discreet council commissioned to hear all causes in Cumberland, Westmoreland, Northumberland, the bishopric of Durham and Yorkshire, and that he [the lieutenant] for the most part abide in those parts." <sup>2</sup> The march laws were to be reformed and the marches practically incorporated with the adjacent counties, the authority of the wardens passing to the lieutenant, who was to exercise some of these functions by deputy. Finally, the King was, as far as possible, to take into his own hands all lordships and special jurisdictions. <sup>3</sup>

This proposition gave rise to a curious correspondence. Norfolk and his council continued to urge their scheme while Cromwell threw every difficulty in the way of its execution. Norfolk was told that no suitable nobleman could be found to assume the office of lieutenant; Dacre and Cumberland were on bad terms, Northumberland exerted too powerful an influence in the North. Would not the duke's authority, it was asked, "make even a mean man respected?" <sup>4</sup> But Norfolk declined to take the responsibility of suggesting any candidate until in April he mentioned, "for the King's ear only," the names of Lord Rutland and the Earl of Westmoreland. All through the negotiation, however, he insisted on the importance of the office being held by a nobleman. Early

<sup>1</sup> *Calendar*, XII. pt. i., No. 498. Froude calls this "wholesome severity" and "not excessive," *History*, III. 190-192. But even Norfolk boggled at the application of wholesome severity on this scale. Before undertaking the punishment of the eastern counties he wrote to Cromwell asking how many executions the King expected in that region, and adding "folks think the last justice at Carlisle great, and if more than 20 suff[er] at Durham and York it will be talked about." *Calendar*, XII. pt. i., No. 609.

<sup>2</sup> *Calendar of State Papers* (Henry VIII.), XII. pt. i., No. 595.

<sup>3</sup> *Ibid.* All franchises and liberties had been much curtailed by act of Parliament in 1536,—27 Henry VIII., cap. xiv., *Statutes of the Realm*, III. 555.

<sup>4</sup> *Ibid.*, XII. pt. i., No. 636.



in May the King closed the discussion with a characteristic letter. He thanks Norfolk for his advice but feels sure that he will accept the decision which the King has reached, "for we will not be bound to accept the services of none but lords."<sup>1</sup> The explanation of this episode lies in the relations of Cromwell and Norfolk. As long as the plebeian minister remained in favor the king did not altogether trust Norfolk. The duke perfectly understood this and chafed at being kept in exile in the North. Cromwell's advantage lay in the fact that no one in England was better fitted for the office of lieutenant than Norfolk, "whom all offenders in the North regarded as their scourge."<sup>2</sup> By trying to force Norfolk to accept the task Cromwell was able at once to serve his own ends and his master's cause.

As far as concerned the selection of an agent the King carried through his plan, for the choice ultimately fell upon Cuthbert Tunstall, the pliable bishop of Durham, who became lord president of the council, the title of lieutenant having been abandoned. For the rest Norfolk had his will, but at the cost of some tergiversation. He was ill, afraid of the harsh northern winter and determined to come home. The pressure that he was able to exert on the King may be judged from a note in Cromwell's agenda for the privy council in June 1537: "If the King will recall him [Norfolk], that then a council be established there as in the Marches of Wales, and lands appointed for its support."<sup>3</sup> On June 12 the King notified Norfolk of his intention of postponing for a year his projected visitation of the North.<sup>4</sup> Under these circumstances, and out of regard for the duke's health, the King wrote, "We doo purpose shortly to revoke you, and to establishe a standing Counsell ther, for the conservation of those Countreyes in quiete, and thadministration of comen justice: which, being ones sett in a frame, We shall incontinently call you unto Us."<sup>5</sup> Norfolk's answer (June 15) shows that he was beginning to recede from his original position with regard to the necessity of having a nobleman as lieutenant, for he accepts as an equivalent the appointment of the bishop of Durham as president of the council.<sup>6</sup> On July 8 he wrote to Cromwell that with a council under a president, and a minister of justice "so usyng

<sup>1</sup> *Ibid.*, XII. pt. i., Nos. 636, 651, 667, 916, 919, 1118.

<sup>2</sup> So wrote Sir Thomas Tempest to Cromwell in July 1537. *Calendar*, XII. pt. ii., No. 238.

<sup>3</sup> *Ibid.*, XII. pt. ii., No. 177.

<sup>4</sup> The reasons generally given for this change are, the delicate state of foreign relations, the queen's pregnancy and the king's own health, which made travelling very hard for him. But it is scarcely likely that Henry would have allowed any of these considerations to weigh with him if Norfolk's vigorous policy had not been so successful in subduing the North. *Calendar*, XII. pt. ii., No. 77.

<sup>5</sup> *State Papers* (Rec. Com.), I. pt. ii., No. lxxxix.

<sup>6</sup> *Calendar of State Papers* (Henry VIII.), XII pt. ii., No. 100.

hymself that men may be affrayed of hym, this contrey is nowe in that sorte, that none of the realme shalbe better governed than this."<sup>1</sup>

Thus the question reached a final solution. There followed some discussion about the membership of the new body, which in the end included nearly all of those who had formed part of Norfolk's temporary council.<sup>2</sup> Norfolk remained in the North helping to set the new council in a frame, until September, when he was at length recalled.<sup>3</sup> The jurisdiction of the Council of the North extended over the counties of Northumberland, Cumberland, Westmoreland, Durham and York. It had the general administrative and judicial control of this district. The council was authorized to maintain the peace and suppress disturbances, either by regular process of law or otherwise according to its discretion. It was enabled to take cognizance, to the exclusion of the ordinary courts, of all pleas and contentious litigation where one of the parties was so poor, or of such mean estate, as to be hampered in obtaining his remedy at the common law.<sup>4</sup>

The institution of the Council of the North contained no elements that had not been familiar, at least in a rudimentary form, since the fourteenth century. The novelty lay in the reorganization and development of these elements. The council was called into being by an act of royal prerogative, and its existence was an infringement on the authority of Parliament and the judiciary.<sup>5</sup> But only the permanence and public sanction of this infringement were new. Every royal commission, every lieutenant and council of march officials that, since the fourteenth century, had sat in the northern counties, was equally an infringement upon the rights of constituted authority.

No doubt in the seventeenth century the Council of the North became at once an instrument of oppression and an obstacle to the normal development of the nation. But the institution must be judged by the conditions which brought it into being, not those under which it was abolished. To say that it impeded the progress of England in 1641 is to say that it had, at that time, no reason for existence; that it had made itself superfluous, resembling, in that respect at least, the ideal government. It has been the object of the present study to show that in the sixteenth century the Council of the North had a very urgent reason for existence.

GAILLARD THOMAS LAPSLEY.

<sup>1</sup> *State Papers* (Rec. Com.), V. No. cccxxii.

<sup>2</sup> *Calendar of State Papers* (Henry VIII.), XII. pt. ii., Nos. 77, 100, 102, 249, 250 (2, iv.).

<sup>3</sup> *State Papers* (Rec. Com.), V. Nos. cccxxv., cccxxviii., cccxxx., cccxxxiii.

<sup>4</sup> Coke, *Fourth Institute*, ch. xlix.; Prothero, *Statutes and Documents*, introduction xc.-xci. The important parts of the commission are printed by Coke.

<sup>5</sup> Coke, *Fourth Institute*, ch. xlix.



## SOCIAL COMPACT AND CONSTITUTIONAL CONSTRUCTION

STUDENTS of American history or of political philosophy need not be told that in the Revolutionary period men believed that society originated in compact. Our forefathers believed too that the state was formed on agreement and that the King was bound to his subjects by an original contract. To secure the rights of life, liberty and the pursuit of happiness governments were supposed to have been "instituted among men, deriving their just powers from the consent of the governed." These doctrines were living, actual ideas to the men of one hundred and twenty-five years ago. They found continual expression in the speeches, letters and public documents of the time.<sup>1</sup> In his speech in the Parson's Cause Henry maintained that government was "a conditional [constitutional] compact composed of mutual and dependent covenants, the King stipulating protection on the one hand, and the people stipulating obedience and support on the other." In the famous argument on the writs of assistance, when, we are told, the child of independence was born, James Otis "sporting upon the subject [of natural rights] with so much wit and humor, that he was no less entertaining than instructive." He asserted "that every man, merely natural, was an independent sovereign, subject to no law, but the law written on his heart, and revealed to him by his maker, in the constitution of his nature, the inspiration of his understanding and his conscience."

Locke was the philosopher of the American Revolution, as he was of the Revolution of 1688.<sup>2</sup> The deposition of James and the principles laid down in defense of the revolt against kingly author-

<sup>1</sup> The following is a typical example of the announcements of the theories of the time. "Some citizens used the following language: 'If the king violates his faith to, or compact with, any one part of his empire, he discharges the subjects of that part, of their allegiance to him, dismembers them from his kingdom, and reduces them to a state of nature; so that in such case he ceases to be their king . . . And the people are at liberty to form themselves into an independent state.'" Bradford's *History of Massachusetts*, pp. 333-334. Boston, 1822.

<sup>2</sup> There is abundant evidence of the fact that Locke's *Essays on Government* were read and studied in the Revolutionary period. His *Human Understanding* was used as a text in some of the colleges, and though this book does not cover the subject of government, the psychology of the work was what I may call the compact psychology.

ity undoubtedly made a very deep impression on the colonial mind, and when irritation waxed strong in America against George III. recourse was naturally had to the fundamental doctrines with which history had made Englishmen familiar. The revolt was justified on the ground that the King had encroached on the natural and reserved rights of the colonists, and the final declaration that they were "absolved from all allegiance to the British crown," was based on the belief that the King had broken his contract. Not only the argument, but in some measure the language of Locke is used in the Declaration of Independence.<sup>1</sup>

These assertions are not novel and will, I think, be readily accepted by any student who is acquainted with the material of the Revolutionary period. It has seemed to me, however, that sufficient attention is not commonly paid to the influence and bearing of these basic principles of political philosophy in the period succeeding the Revolution. The foundation doctrines everywhere current during the Revolutionary time were not likely to disappear at once, for on them rested the right of rebellion, through them came independence, upon them was founded national existence. We might be willing to assert, without investigation, that the ideas which men cherished and the philosophy upon which they acted would be sure to affect the thoughts and activities of public men during the early constitutional period and for many years after the establishment of the United States. It is certainly important for us to understand the ideas which men held concerning the nature and origin of the state and society, and to know the foundations upon which they believed government to rest. In the study of any period such knowledge and appreciation are needed, but they are absolute requisites for the understanding of men's words, motives and acts at a time when governments were in process of construction and new states were forming. If we are to start historically upon the task of constitutional construction, we must necessarily begin by seeking to discover how men used terms, and we must likewise endeavor to appreciate their essential attitude of mind toward government and the essential nature of their thinking on matters of political concern.

It may be advisable to state with some explicitness what may be considered the fundamental notions which were commonly accepted when our national and state constitutions were established. Most of these are doubtless familiar to the reader. I shall not at-

<sup>1</sup> "But if a long train of abuses, prevarications and artifices, all tending the same way, make the design visible to the people," etc.—Locke, Sec. 225.

"But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism."—*Declaration of Independence*.



tempt to give a consistent philosophy or to set forth the ideas in more than general terms.<sup>1</sup> The underlying idea was that men originally existed in a state of nature free from restraint. Each man was an individual sovereign and possessed of all rights, though dependent entirely upon his own strength to defend his rights. Society was formed by agreement among men, each individual surrendering a portion of his natural rights and retaining others which were inviolably his. Government and political organization also rested upon agreement. Thus through the conscious action and consent of individuals, permanent institutions were established. Now beneath these ideas of political philosophy was what I may call the metaphysical notion, that unity can be formed by the conscious action of so many isolated beings—unity can be formed by the separate movement of isolated atoms. Akin to this compact idea and necessarily bound up with it was the idea that man could bind himself; obligation grew out of consent, and did not necessarily depend on force, certainly not on a pre-existing force. Law was not necessarily the expression of the will of a pre-existing superior directed toward an inferior, but rested like everything else on the consent or the acquiescence of the individual. Not that any individual could at any time cast off his obligations and recall his acquiescence; on the contrary, real obligations permanent and binding came from original agreement.<sup>2</sup>

It will be seen at once that there is something very familiar in many of these doctrines, even at the present. Some of them have become embodied in legal phrases and in political catch-words. To discover just how far these ideas have been perpetuated in writings on municipal law would be an interesting task; but my present purpose is to consider only constitutional law or rather constitutional history and to note the bearing of such theories on the general question of the nature of the United States and the Constitution. In order that the influence and meaning of these doctrines may be more fully seen, it may be well to phrase the fundamental ideas of modern political philosophy. The supposition that society originated in compact is now discarded and with it the notion that man ever existed in a state of nature possessed of all rights. So-

<sup>1</sup> It is difficult, for example, to describe a state of nature with exactness, because of different theories and ideas. On the whole, perhaps it is fair to say that men accepted Hobbes's conception of the perfect lawlessness of the state of nature and coupled it with Locke's notion of compact and the resulting government.

<sup>2</sup> See especially the exceedingly able chapter on Municipal Law in James Wilson's *Lectures on Law*, in which in the course of fifty pages he attacks Blackstone's definition of law—as a “rule of civil conduct prescribed by the supreme power of the state.” “The consequence is,” says Wilson, after a long discussion, “that if a man cannot bind himself, no human authority can bind him.” *Works*, I. 193, Andrews's edition.

ciety is looked upon as organic, a natural thing, and not the result of intellectual agreement ; society is not superimposed on man, but, as Aristotle said, man is by nature [originally] a political being. Government may indeed be said to rest upon the consent of the governed considered as a whole, since government in America is distinctly the creature and agent of the body politic ; but man owes obedience to the government and to the will of the body politic, because he is born into society and the state, and is an essential portion of it. The state is an organism, a personality, gifted with a purpose and a will. Bluntschli has carried this so far that he has discovered that while the church is feminine the state is masculine ; he is ready to tell us the gender, possibly the sex of the organism. Law is the expression of the will of the body politic, the superior and all-controlling being ; law emanates from a being and is binding because of the force of the controlling entity behind it. Sovereignty is the ultimate will and controlling purpose of the body politic.

To the compact philosophy, then, may be said to belong three ideas which were of influence in our constitutional history : (1) The state is artificial and founded on agreement ; (2) Law is not the expression of the will of a superior, but obtains its force from consent ; a man can indissolubly bind himself ; (3) Sovereignty is divisible. I know full well that many of those who wrote of the compact theory believed in the indivisibility of sovereignty. Hobbes held that the monarch was possessed of all power. And Rousseau, —who however influenced the American idea very little,—believed in a sort of indivisible sovereignty.<sup>1</sup> Even Vattel, who was used much more than Rousseau by the statesmen of the latter part of the last century, seems on the surface of things to teach that sovereignty is indivisible ; but as a matter of fact his reasonings and arguments on the general subject under consideration do not bear out the idea of the indivisibility of sovereignty ; a consistent part of the compact idea of law was that a body of men could surrender a portion of its right of self-control and could be bound by its voluntary agreement, thus limiting and confining its power of self-determination. But if the reader does not agree with this statement, this at least he will accept, that there is nothing in the character or the fundamentals of the compact philosophy which makes a division of sovereignty unthinkable ; and if he examines the writings

<sup>1</sup> As the state and society were conceived by our forefathers, *complete political, absolute and unlimited power inhered neither in the state nor in the government.* "Locke and our own forefathers . . . start with certain natural legal rights possessed by the citizens as individuals, limit the authority of the sovereign power accordingly, and maintain that any attempt on its part to violate these rights is unlawful." Lowell, *Essays on Government*, p. 172.



of our early constitutional period he will find the prevalence of the idea that sovereignty could be divided.<sup>1</sup> The tenets of the organic philosophy are directly opposed to the three ideas I have just mentioned: (1) The state is natural and original, and a natural thing cannot be the result of intellectual agreement; the only result of agreement is an agreement, not a new unity; (2) Law is the expression of the will of a pre-existing superior; (3) Sovereignty, which is the will and purpose of a being, is necessarily indivisible. Divisibility is simply unthinkable.

When the Constitution of the United States was being made, men did not speak or think in the terms of the organic philosophy. Some of them, it is true, were more or less distinctly conscious of the essential oneness of the American people; some of them believed that the states never had been sovereign; some of them, seeing the fact of nationality, demanded that political organization should be in keeping with this fact. But the organic philosophy was developed in the next century,<sup>2</sup> and like all philosophy it came not from the thinking of the closeted philosopher, but from the actual development of society. While philosophic doctrine may react upon human affairs, human affairs in the progress of history beget philosophic doctrine. If I am right in the assertion that men thought and spoke in terms of the compact philosophy, it follows that we must necessarily interpret their conscious acts in the light of that philosophy. I do not say that it is entirely unjustifiable to interpret the period from 1760 to 1790 in accordance with the precepts and the principles of the organic idea,<sup>3</sup> but I mean simply to assert that if we seek to

<sup>1</sup> I do not mean to say that no one asserted the indivisibility of sovereignty. Perhaps it was clearly stated in the speech of Morris in the Philadelphia Convention, *Morris Papers*, May 30. "He contended, that in all communities there must be one supreme power, and one only." Wilson in the Pennsylvania Convention hinted once at the same idea and there are a few other instances.

<sup>2</sup> "Though in a constituted commonwealth standing upon its own basis and acting according to its own nature—that is, acting for the preservation of the community, there can be but one supreme power, which is the legislative . . . yet the legislative being only a fiduciary power to act for certain ends, there remains still in the people a supreme power to remove or alter the legislative, when they find the legislative act contrary to the trust reposed in them." Locke, *Two Treatises on Government*, Book II., § 149.

<sup>3</sup> Perhaps I should again, from motives of caution, remind the reader that in the text I am speaking in general terms. Burke for example, because of the historical character of his thinking, saw that the state and society were products of history and were not the creatures of mere momentary planning and consent by puny individuals. But the general truth is as stated above. The full organic idea could not come before the organic fact of this century, nor could the philosophy come before Hegel and Kant.

<sup>4</sup> Such a treatment as that of Burgess, *Political Science and Comparative Constitutional Law*, I, 98-108, for example, and large portions of that of Von Holst, seem to me entirely justifiable. But of course it must be borne in mind that the authors are seeking fundamental principles underlying conscious action. I have discussed this matter at greater length at the end of this article.

follow out *historically* the interpretation of the Constitution or to find out what men thought of it at the beginning, we must get into their attitude of mind and understand their method of thinking.

An examination of the writings of the period seems to demonstrate that men approached the subject in hand—the establishment of a new constitution and government—guided by the ideas of the compact philosophy and, moreover, that they often directly and explicitly likened the Constitution of the United States to a new original constitutional or social compact. No one who has studied the primary material will be ready to assert that men consistently and invariably acted upon a single principle, that they were altogether conscious of the nature and import of what was being done and that they constantly spoke with logical accuracy of the process. Such consistency and philosophic knowledge do not appear in the affairs of statesmen. But as far as one can find a consistent principle, it is this, that by compact of the most solemn and original kind a new political organization and a new indissoluble unit was being reared in America. The compact was sometimes spoken of as a compact between the individuals of America in their most original and primary character; sometimes it was looked on as a compact between groups of individuals, each group surrendering a portion of its self-control and forming a new order or unity just as society itself was constituted. Sometimes the idea was not so distinct an application of the social compact theory, but was coupled with the notion that individuals and groups of individuals could enter into binding and indissoluble relationships by agreement, acquiescence and consent. A few of the more patent illustrations will help in sustaining the position here taken.

Pelotiah Webster, to whom Madison gives the credit of being one of the very earliest to propose a general convention,<sup>1</sup> issued a pamphlet<sup>2</sup> in 1783 in which the general idea is clearly put forth.

“A number of sovereign States uniting into one Commonwealth, and appointing a supreme power to manage the affairs of the union, do necessarily and unavoidably part with and transfer over to such supreme power, so much of their own sovereignty, as is necessary to render the ends of the union effectual, otherwise their confederation will be an union without bands of union, like a cask without hoops, that may and probably will fall to pieces as soon as it is put to any exercise which requires strength.

“In like manner, every member of civil society parts with many of his natural rights, that he may enjoy the rest in greater security under the protection of society.”

<sup>1</sup> *Madison Papers*, Introduction.

<sup>2</sup> *A Dissertation on the Political Union and Constitution of the United States*. I take my quotation from *American History Leaflets*, No. 28, p. 7. The italics of the original are omitted.



The debates in the Philadelphia Convention contain references to the exact thought so plainly presented by Webster, and give other evidence of the character of the philosophy within which men were thinking. James Wilson saw as clearly as any one the necessity of bringing the new government directly into contact with citizens, and he saw, too, that there must be expression for the national life; but he could not say that the American people, already a unit, fused by facts into one body politic, were using this convention as a means of registering their sovereign will in a constitution which would be law and binding on all parts of the body politic.<sup>1</sup> On the other hand he spoke in terms of the compact philosophy.

"Abuses of the power over the individual persons may happen, as well as over the individual States. Federal liberty is to the States what civil liberty is to private individuals; and States are not more unwilling to purchase it, by the necessary concession of their political sovereignty, than the savage is to purchase civil liberty by the surrender of the personal sovereignty which he enjoys in a state of nature."<sup>2</sup> "We have been told that each State being sovereign all are equal. So each man is naturally a sovereign over himself, and all men are therefore naturally equal. Can he retain this equality when he becomes a member of civil government? He cannot. As little can a sovereign State, when it becomes a member of a federal government."<sup>3</sup>

Perhaps the clearest evidence that men were thinking in terms of the compact philosophy is contained in the discussion over the question as to whether the Articles of Confederation were still binding. In regard to this matter there were naturally different views. All had had experience with treaties between sovereign powers; and Madison contended that under such a contract as the Articles of Confederation a breach by one of the parties absolved all. Other speakers, considering the articles as something more than a mere treaty or a naked agreement between independent states, and being governed in their thinking in some measure by the compact philosophy, denied that a breach threw the members at

<sup>1</sup> See "James Wilson in the Philadelphia Convention," by A. C. McLaughlin, *Political Science Quarterly*, XII. 18, 19.

<sup>2</sup> *Madison Papers*, II. 824, June 8. Hamilton said that "men are naturally equal, and societies or states when fully independent are also equal. It is as reasonable, and may be as expedient, that states should form Leagues or compacts, and lessen or part with their natural Equality, as that men should form a social compact and in doing so surrender the natural Equality of men." King's Minutes, *King's Life and Correspondence*, I. 610.

<sup>3</sup> *Madison Papers*, II. 835. Madison declared that the fallacy of the reasoning drawn from the equality of sovereign states, in the formation of compacts, lay in confounding "mere treaties . . . with a compact by which an authority was created paramount to the parties and making laws for the government of them." *Ibid.*, 978. The italics are my own. Here we have the compact philosophy in its pure state: agreement founding an authority superior to the creator of that authority. See remarks of Sherman, *ibid.*, 983. Notice also *ibid.*, 1183.

once into a state of nature toward one another. "If we consider the Federal Union," said Madison, "as analogous, not to the social compacts among individual men, but to the Conventions among individual States, What is the doctrine resulting from these Conventions? Clearly, according to the expositors of the law of nations, that a breach of any one article by one party, leaves all other parties at liberty to consider the whole convention as dissolved, unless they choose rather to compel the delinquent party to repair the breach."<sup>1</sup> On the other hand Wilson "could not admit the doctrine that when the colonies became independent of Great Britain, they became independent also of each other."<sup>2</sup> Hamilton agreed with Wilson, and, denying that the states "were thrown into a state of nature," denied also of course that the Confederacy could be dissolved by a single infraction of the articles;<sup>3</sup> in other words, the Articles of Confederation were articles of union drawn up by communities which were already bound together in a social relationship. Luther Martin vehemently contended that under the Articles the states "like individuals were in a state of nature equally sovereign and free," and that although they might give up their sovereignty they had not done so and ought not to do so. "In order to prove that individuals in a state of nature are equally free and independent, he read passages from Locke, Vattel, Lord Somers, Priestley. To prove that the case is the same with States till they surrender their equal sovereignty, he read other passages in Locke and Vattel and also in Rutherford. That the states, being equal, cannot treat or confederate so as to give up an equality of votes, without giving up their liberty."<sup>4</sup> Martin also declared that "to resort to the citizens at large for their sanction to a new government, will be throwing them back into a state of nature; that the dissolution of the State Governments is involved in the nature of the process; that the people have no right to do this, without the consent of those to whom they have delegated their power for State purposes."<sup>5</sup>

In this speech, which was one of the longest and ablest of the Convention,<sup>6</sup> Martin adhered with remarkable accuracy to the compact theory of the organization of the State and government. So

<sup>1</sup> *Madison Papers*, II. 895.

<sup>2</sup> *Ibid.*, 907.

<sup>3</sup> *Ibid.*, 907.

<sup>4</sup> *Ibid.*, 975. It ought to be apparent that to men who thought in this way "accession" did not necessarily imply the correlative right of secession.

<sup>5</sup> *Ibid.*

<sup>6</sup> The first portion of it, lasting for three hours, is compressed into two pages of Madison's Minutes.



important is this that I venture to rearrange the material just given and summarize the conclusions. While Hamilton and Wilson, as we have seen, held that the people of America were already united in a sort of social compact—or, at least, that the Declaration of Independence did not throw the states into a state of nature in their relations; and while Madison contented himself with asserting that the Articles were similar to a convention among independent states, Martin disclosed the full meaning of what was contemplated from the view-point of the social-compact theory. Concluding that the states were now equal as individuals in a state of nature, and that to give unequal voting power in Congress would be destructive of that equality, and hence of the existing liberty, he also pointed out that to recur not to the state governments but to the people for the adoption of the Constitution and the establishment of the national government would mean that all people would be thrown into a state of nature; each person was now in society and had a government to which he was bound by constitutional compact, and, if he established a new government over himself, he took away from the state government and redistributed political authority. This he had no right to do without the consent of the state government.

One more quotation in this connection will be sufficient indication that the idea of the social compact was influencing the minds of the framers of the Constitution in the formation of the new government and the foundation of the new republic. When the Constitution was finally drawn up and presented to the Congress of the Confederation, Washington in his letter to that body declared that the framers had continually in mind the consolidation of the Union; but he evidently thought that consolidation could arise out of agreement. "It is obviously impracticable," he wrote, "in the federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to secure the rest."<sup>1</sup>

In looking over the debates in the state conventions and the pamphlets and essays written on the question of adoption, we find further evidence of the presence of the social compact theory and of the compact philosophy. Wilson said in the Pennsylvania convention: "When a single government is instituted, the individuals of which it is composed, surrender to it a part of their natural independence, which they enjoyed before as men. When a confederate republic is instituted, the communities in which it is composed sur-

<sup>1</sup> Elliot's *Debates*, I. 305.

render to it a part of their political independence which they formerly enjoyed as states."<sup>1</sup> Exactly the same sort of statement was made and the same illustration used by a number of other men. Dickinson, for example, said, "As in forming a political society, each individual contributes some of his rights, in order that he may, from a *common stock* of rights, derive greater benefits than he could from merely *his own*; so, in forming a confederation, each political society should contribute such a share of their rights, as will, from a *common stock* of these rights, produce the largest quantity of benefits for them."<sup>2</sup> Mr. Hartley in the Pennsylvania convention said: "That the rights now possessed by the States will in some degree be abridged by the adoption of the proposed system, has never been denied; but it is only in that degree which is necessary and proper to promote the great purposes of the Union. A portion of our natural rights are given up in order to constitute society; and as it is here, a portion of the rights belonging to the states individually is resigned in order to constitute an efficient confederation."<sup>3</sup> Mr. Barnwell of South Carolina "adverted to the parts of the Constitution which more immediately affected" his state. He declared that "in the compacts which unite men into society, it always is necessary to give up a part of our natural rights to secure the remainder. . . . Let us, then, apply this to the United States."<sup>4</sup> David Ramsay in an *Address to the Freemen of South Carolina* uses the same expressions:

"In a state of nature, each man is free, and may do what he pleases; but in society every individual must sacrifice a part of his natural rights. . . . When thirteen persons constitute a family, each should forego everything that is injurious to the other twelve. When several families constitute a parish, or county, each may adopt what regulations it pleases with regard to its domestic affairs, but must be abridged of that liberty in other cases, where the good of the whole is concerned. . . . When

<sup>1</sup> Elliot, II. 429. McMaster and Stone, *Pennsylvania and the Federal Constitution*, 227. Wilson's *Works*, I. 539 (Andrews's ed.).

<sup>2</sup> Letters by John Dickinson, in *The Federalist and other Constitutional Papers*, edited by Scott, p. 789. See also same argument in letter signed "Farmer" in McMaster and Stone, p. 533. In spite of the fact that in this latter essay sovereignty is said to consist in the "understanding and will of political society," sovereignty is evidently considered divisible and to be divided in the new order proposed by the Constitution. *Ibid.*, 534, 539. See also, for the same argument, Letters of Fabius (John Dickinson) in Ford's *Pamphlets on the Constitution*, 176.

<sup>3</sup> McMaster and Stone, p. 292. The reference in this speech to the union of England and Scotland is significant. Mr. Findlay in objection to the Constitution said: "In the preamble it is said, *We the People* and not *We the States*, which therefore is a compact between individuals entering into society, and not between separate states enjoying independent power, and delegating a portion of that power for their common benefit." *Ibid.*, p. 301.

<sup>4</sup> Elliot, IV. 295.

several states combine in one government, the same principles must be observed."<sup>1</sup>

The Massachusetts convention furnishes us with some interesting material. Ames seems to have spoken in very modern language and to have discarded in some measure the idea of compact; he rejected at least some portions of the ordinary conclusions springing from the compact theory. "I know, sir, that the people talk about the liberty of nature, and assert that we divest ourselves of a portion of it when we enter society. This is a declamation against matter of fact. We cannot live without society. . . . The liberty of one depends not so much on the removal of all restraint from him as on the due restraint upon the liberty of others. Without such restraint there can be no liberty."<sup>2</sup> Rufus King, however, expressed his opinion that the American people were the first to obtain a full and fair representation in making the laws through the social compact.<sup>3</sup> Bowdoin referred to the same clause in Montesquieu to which Wilson made reference in his well known speech in the Pennsylvania convention, and, relying upon the analogy of the social compact, said "to balance the powers of all the states, by each giving up a portion of its sovereignty, and thereby better to secure the remainder of it, are among the main objects of a confederacy" [a Confederate Republic].<sup>4</sup> It is certainly significant that, when the Massachusetts convention finally adopted the Constitution, it gave consent in the following words: "Acknowledging, with grateful hearts, the goodness of the Supreme Ruler of the universe in affording the people of the United States in the course of His providence an opportunity, deliberately and peaceably, without fraud or surprise, of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new constitution."<sup>5</sup> New Hampshire seems to have used the same words in the resolution of ratification.<sup>6</sup>

In Hamilton's writings are found many references to the social compact. It is quite evident that he had in mind as a working hypothesis the artificial construction of society and the body politic;

<sup>1</sup> Ford's *Pamphlets on the Constitution*, p. 373. Notice also the exceedingly able characterization of the Constitution by Noah Webster. *Ibid.*, pp. 29, 45, 55.

<sup>2</sup> Elliot, II. 9. This idea of liberty is not new or essentially modern, however. Cicero said "Lex fundamentum est libertatis qua fruimur. Legum omnes servi sumus, ut liberi esse possimus." Said Thomas Hooker: "It is the honor and conquest of a man truly wise to be conquered by the truth; and he hath attained the greatest liberty that suffers himself to be led captive thereby." *The Way of the Churches of New England*.

<sup>3</sup> Elliot, II. 19.

<sup>4</sup> Elliot, II. 129.

<sup>5</sup> Elliot, II. 176. It is worth remembering in this connection that Massachusetts called her own constitution a compact.

<sup>6</sup> Walker, *History of the New Hampshire Convention*, p. 46.



and in speaking of the new federal Constitution he, like the others, compared it to an original compact formed by individuals.<sup>1</sup> In the *Federalist* he made use of the following language :

“ But it is said, that the laws of the Union are to be the *supreme law* of the land. What inference can be drawn from this, or what would they amount to, if they were not to be supreme? It is evident they would amount to nothing. A *law*, by the very meaning of the term, includes supremacy. It is a rule which those to whom it is prescribed are bound to observe. This results from every political association. If individuals enter into a state of society, the laws of that society must be the supreme regulator of their conduct. If a number of political societies enter into a larger political society, the laws which the latter may enact, pursuant to the powers intrusted to it by its constitution must necessarily be supreme over those societies, and the individuals of whom they are composed. It would otherwise be a mere treaty, dependent on the good faith of the parties, and not a government; which is only another word for *political power and supremacy*. ”<sup>2</sup>

There are certain remarks of Wilson in the Pennsylvania convention which seem at first sight to deny the compact origin of the Constitution altogether. But it seems to me that he intended to assert that the Philadelphia convention was not contracting or forming a contract; that the new order was to spring from the people, not from delegates from the states at Philadelphia; and especially that in America there is no inviolable contract between government and society. He came very near to the conception of the people of the United States as one body politic, as a single creating unit establishing the Constitution. Indeed, that may possibly be the idea he had in mind. But it seems more likely that he was thinking of the people of each state as the real establishing authority and of the relationship that was to exist between the government of the United States and the people.

“ I have already shown that this system is not a compact or contract; the system itself tells you what it is; it is an ordinance and establishment of the people.”<sup>3</sup> “ If we go a little further on this subject, I think we see that the doctrine of original compact cannot be supported consistently with the best principles of government. If we admit it, we exclude the idea of amendment because a contract once entered into between the governor and governed becomes obligatory and cannot be altered but by the mutual consent of both parties.”<sup>4</sup>

<sup>1</sup> *Works*, II. 322. See also *ibid.*, 320, 376; VII. 294, 334, 336. As may be seen later in my presentation of this subject, the important fact is not so much that men thought the Constitution a social compact as that they thought of society and the state in general as artificial and based on intellectual consent.

<sup>2</sup> *Federalist*, No. XXXIII. The italics are in the original. See also No. XXII.

<sup>3</sup> McMaster and Stone, 385. This speech is quoted by Bancroft to prove, apparently, that the Constitution was not considered a mere treaty between independent states.

<sup>4</sup> *Ibid.*, 384-5.

It should be observed that the notion of a binding contract or compact between government and governed, which is here rejected by Wilson, was in very evident conflict with American conditions. It could not well be supposed that any government was possessed of sovereignty or that a constitution formed an inviolable and unalterable contract between a sovereign government and its subjects. And yet there was some difficulty in breaking away even from that portion of the old contract notion. Rousseau of course altogether rejected the notion of a contract between the sovereign people and the government, and the French idea was in this respect much more in harmony with later American conditions than was the idea of Locke, in spite of the fact that the American Revolution was fought out on the principle of the English philosopher and in recognition of the idea of a contract between king and people. But in spite of its seeming inapplicability to American institutions, the notion was too firmly rooted not to retain its hold long after the adoption of the Constitution. It appears in arguments and discussions as to the nature of the United States and the character and authority of the central government. Jefferson declared in the Kentucky Resolutions that the Constitution was a compact between states and that each state was an "integral party, its co-states forming, as to itself, the other party." But before the paragraph is finished he seems to argue that a contract exists also between the states and the government. As is well known, Hayne in his speech on the Foote resolutions spoke as if the states were one party to a compact and the United States government the other.<sup>1</sup>

These quotations and references may be sufficient to indicate that men were thinking of the possibility of establishing a new political organization and a new government by agreement and consent. It is clear that something different from a mere convention between sovereign and independent states was contemplated. Thinking as they did in the terms and under the limitations of the compact theory and the compact philosophy, they did not speak of the new state as "original" or "organic" or "natural," or declare that a binding law must rest upon the force or will of an organism

<sup>1</sup> "A State is brought into collision with the United States, in relation to the exercise of unconstitutional powers; who is to decide between them? Sir, it is the common case of difference of opinion between sovereigns as to the true construction of a compact." —Hayne's Reply to Webster, January 27, 1830.

"The common notion," says Madison, "previous to our Revolution had been that the governmental compact was between the governors and the governed, the former stipulating protection, the latter allegiance. So familiar was this view of the subject that it slipped into the speech of Mr. Hayne on Foote's Resolution and produced the prostrating reply from Mr. Webster." Madison's *Writings*, IV, 296. See the correspondence of Governor Troup of Georgia with President John Quincy Adams.

existing before the law was issued. On the contrary, all states were artificial not natural, superimposed not original; society itself was not natural or original but formed artificially, in time, by the conscious intellectual consent of its framers. Inasmuch as government, political organization and unity can rest on consent, can be based on the action of thirteen bodies acting in isolation, all that was necessary was to obtain the separate consent of the people of the thirteen states.<sup>1</sup>

Those who likened the Constitution to a social compact seem to have had two ideas somewhat different in character. Some of them had in mind the combination of each person with every other in the establishment of a new society and body politic; others thought of thirteen bodies of individuals each yielding up a portion of its self-control and thus forming a new unity as men do when organizing a simple state or society. Most of the quotations previously given disclose the latter idea. That bodies or groups of men were thus by agreement forming the United States was the thought of Wilson and Hamilton and Dickinson. But Luther Martin, who reasoned on the basis of the compact theory with inexorable logic, insisted that the individual men were compacting together.

"It is, in its very introduction, declared to be a compact between the people of the United States as individuals; and it is to be ratified by the people at large, in their capacity as individuals; all which, it was said, would be quite right and proper, if there were no state governments, if all the people of this continent were in a state of nature, and we were forming one national government for them as individuals; and is nearly the same as was done in most of the states, when they formed their governments over the people who composed them."<sup>2</sup>

It is an interesting fact that these two differing views of the way

<sup>1</sup> No one will seriously maintain that Marshall believed that the United States was only a confederation of sovereign states. But did he believe that it was necessary that the American people should exist as a body politic before the Constitution was adopted in order that the Constitution might be a real constitution and the United States an actual unity? "They [the people] acted upon it, in the only manner in which they can act safely, effectively, and wisely on such a subject, by assembling in convention. It is true, they assembled in their several states—and where else should they have assembled? No political dreamer was ever wild enough to think of breaking down the lines which separate states, and of compounding the people into one common mass. Of consequence, when they act, they act in their states. But the measures they adopt do not, on that account, cease to be the measures of the people themselves, or become the measures of state governments."—*McCulloch vs. Maryland*, 4 Wheaton, 316. It is quite possible that Marshall believed that although the people were geographically separated they were acting as a single body politic which was laying down its will in a supreme law. But it is also possible that he thought of a supreme law resulting from the action of thirteen bodies of people, a law which when adopted was to be the supreme law of the land.

<sup>2</sup> Luther Martin's Letter. Elliot, I. 360. The convention of Massachusetts had the same idea, if we judge by the words of ratification.



in which the Constitution was established have survived, although writers do not use the words "compact" or "state of nature," or "sovereignty of the individual man," or like expressions. Sometimes we hear it said that the states entered into the Union each giving up a portion of its sovereignty. This is the idea of Wilson, the idea that bodies or groups of men by compact created "a new one."<sup>1</sup> Sometimes it is said that the people established the Constitution; but the thought seems to be, not that the people as a single body politic was acting, but that each individual contracted with others in establishing a new political organization and recognizing a new government.<sup>2</sup> This is the idea of Luther Martin.

The first important constitutional case before the Supreme Court turned in large measure on the nature of the Union. The opinions of Wilson and Jay are significant, and it may indeed be said that Jay's opinion furnished the basis on which the judicial interpretation of the Constitution has in large measure rested. Wilson declared that there was only one place where the word sovereign might have been used with propriety; the people "might have announced themselves '*sovereign*' people of the *United States*." And yet he goes on to say: "The only reason, I believe, why a freeman is bound by human laws, is, that he binds himself . . . If one freeman, an original sovereign, may do this, why may not an aggregate of freemen, a collection of original sovereigns, do this likewise?"<sup>3</sup> Jay asserted, with a clearness uncommon even in later decisions, that the people in their collective and national capacity established the Constitution. But he also said in this immediate connection: "Every state constitution is a compact made by and between the citizens of a state to govern themselves in a certain manner; and the Constitution of the United States is likewise a compact made by the people of the United States to govern them-

<sup>1</sup> "When a single government is instituted, the individuals of which it is composed surrender to it a part of their natural independence, which they enjoyed before as men. When a confederate republic is instituted, the communities of which it is composed surrender to it a part of their political independence, which they formerly enjoyed as states." Elliot, II. 429; McMaster and Stone, 227. It does not seem however that Wilson was always consistent in his advocacy of this idea. See his opinion in the case of *Chisholm v. Georgia*, quoted later.

<sup>2</sup> "It is a compact among the *people* for the purpose of government, and not a compact between states. It begins in the name of the people and not of the states." Letters of Agrippa, Ford's *Essays*, 112.

The survival of the compact method of thought is interestingly shown in Bryce. "The acceptance of the Constitution of 1789 made the American people a nation." "The power vested in each state . . . belonged to the State before it entered the Union." "The loosely confederated States of North America united themselves into a nation." *American Commonwealth*, abridged ed., pp. 16, 229, 167.

<sup>3</sup> *Chisholm vs. Georgia*, 2 Dallas 415, 456.

selves as to general subjects in a certain manner. By this great compact, however, many prerogatives were transferred to the national government . . ."<sup>1</sup> He then reached the conclusion that the "sovereignty of the nation is in the people of the nation and the residuary sovereignty of each state in the people of each state."

In the light of the material which I have cited, one might perhaps be fully justified in affirming that the framers of the Constitution considered it a compact analogous to a social compact, and similar in its origin to the state constitutions in all essential particulars. I think that such is the reasonable conclusion. But whether that be the proper generalization or not, it seems perfectly safe to assert that the student who is interpreting the words and acts of men of the last century must remember the contract theory and the philosophy of Locke. It is well also to remember that men who were thinking in terms of the compact philosophy could believe in the establishment of a permanent and indissoluble body politic as the result of agreement between hitherto separate bodies; that they could believe in the permanent binding effect of a law which had its origin in consent. To them the correlative of "accession" was not secession, but a continuing relationship.

The Virginia and Kentucky Resolutions, if approached from the view-point of the compact philosophy, may bear an interpretation quite different from that commonly given them, and different from that assigned to them by Hayne and Calhoun, who had begun to speak in the terms of organic philosophy. In other words, the Virginia Resolutions, at least, can bear just the interpretation which Madison insisted, thirty years after their appearance, was the correct one, because in 1830 he was still speaking as a disciple of Locke and as a statesman of the eighteenth century. If sovereignty is indivisible,—as it must necessarily be in the organic conception of the state,—then if Kentucky is sovereign, it is wholly self-determinant. But if sovereignty is divisible, the assertion that Kentucky is sovereign is not incompatible with the idea that the United States is also possessed of sovereignty. If a body politic, a state, cannot originate in agreement, then to call the Constitution a compact,

<sup>1</sup> *Ibid.*, 471. For a similar idea as to division of sovereignty resulting from compact, see Pinkney's oft-quoted speech on the Missouri restriction: "The parties gave up a portion of that sovereignty to insure the remainder. As far as they gave it up by the common compact, they have ceased to be sovereign." Benton's *Abridgment*, VI. 439. Monroe said, "In the institution of the Government of the United States by the citizens of every State a compact was formed between the whole American people which has the same force and partakes of all the qualities to the extent of its powers as a compact between the citizens of a State in the formation of their own constitution." Message, May 4, 1822; Richardson, *Messages and Papers*, II. 147, 148.

and to say that "each state acceded as a state and is an integral party"<sup>1</sup> is equivalent to saying that the Constitution is a mere treaty and the United States merely a league. But if a body politic, a new indissoluble whole, can be established by agreement, between hitherto separate units, if government rests on consent, if a solemn compact is the surest foundation of a state, then to say that the Constitution is a "compact to which the States are parties," is not a declaration that the United States is not a unit or a state. If law is the expression of the will of a pre-existing superior body, and if the Constitution is an agreement between equals, then it can in no true sense be law. But if the only way in which a man can be bound is by binding himself, if law springs from consent and agreement among equals, if government itself rests on consent, then the Constitution may have been a compact and nevertheless be law.

Granted that the Constitution is a social compact formed by agreement among bodies of individuals hitherto in a state of nature, and suppose the government of the new organization assumes powers not granted in the compact, what then is to be done? The Virginia Resolutions do not explicitly say that more than a protest is desirable. Jefferson had in mind, it seems, the social compact idea in his suggestion of a remedy: "Every state," he said, "has a *natural right* in cases not within the compact . . . to nullify," etc. These words were stricken out and did not appear in the final draft of the resolutions as they were passed by Kentucky. Again he said: "That the co-states recurring to their *natural rights* in cases not made federal,"<sup>2</sup> etc. It may be said, then, that the Virginia and Kentucky Resolutions did not proclaim state sovereignty, or that each state was the sole ultimate judge of a law and had the right to secede whenever a law was passed that was contrary to its desire; but that, inasmuch as the states entered as parties into the social compact, they (not each one) were ultimate judges of whether the rights reserved by the states, the natural rights, had been encroached upon. "Who shall be the judge," says Locke, "whether the prince or legislative act contrary to their trust? . . . To this I reply, The people shall be judge . . . If a controversy arise betwixt a prince and some of the people in a matter where the law is silent or doubtful, and the thing be of great consequence, I should think the proper umpire in such a case should be the body of the people."<sup>3</sup> But this is something entirely different from saying that each man shall be judge. "For, when any number of men have, by the consent of every individual, made a com-

<sup>1</sup> First Series, Kentucky Resolutions.

<sup>2</sup> Italics my own. See Jefferson's *Writings*, ed. Ford, VI. 301, 308.

<sup>3</sup> Book II., Sections 240, 242.



munity, they have thereby made that community one body . . . . And thus every man . . . puts himself under an obligation to every one of that society to submit to the determination of the majority and be determined by it."<sup>1</sup> Calhoun himself, yielding to the inevitable idea that there must be something less than palpable interstate anarchy based on state willfulness, provided in his scheme for a convention of the states; but after the majority of three-fourths had decided against the protesting state, it still retained the right to nullify or secede. It was not obliged to submit to the majority.

If one starts with Madison's philosophical ideas the interpretation which he put on the Virginia Resolutions, when he wrote of them in the period from 1830 to 1835, is the reasonable, logical and inevitable interpretation. Is it proper to approach the resolutions with any other ideas than those held by the writer? It is worth while to quote a few of his words written at the latter date.

"It has hitherto been understood that the supreme power, that is, the sovereignty of the people of the States, was in its nature divisible, and was, in fact, divided . . . ; that as the States in their highest sovereign character were competent to surrender the whole sovereignty and form themselves into a consolidated State, so they might surrender a part and retain, as they have done, the other part. . . . Of late, another doctrine has occurred, which supposes that sovereignty is in its nature indivisible; that the societies denominated States, in forming the constitutional compact of the United States, acted as indivisible sovereignties, and, consequently, that the sovereignty of each remains as absolute and entire as it was then. . . . In settling the question between these rival claims of power, it is proper to keep in mind that all power in just and free governments is derived from compact."<sup>2</sup>

These words of Madison go, in my opinion, to the root of the matter. Calhoun's proposition rested on the doctrine of the indivisibility of sovereignty, and this was a notion resulting from the fact that he was beginning to think and speak in terms of the organic philosophy.<sup>3</sup> He did not, as far as I can find, in so many words discard the social contract in general until he wrote his *Disquisition on Government*, some sixteen years after the nullification trouble. But as a matter of fact the strength of the argument for complete state

<sup>1</sup> Sec. 96, 97. This proposition for interpretation of this portion of the Kentucky Resolutions is in a measure tentative not final. Madison thought that Jefferson meant by nullification "the natural right, which all admit to be a remedy against insupportable oppression"—in other words the right of revolution. Madison's *Writings*, IV. 410.

<sup>2</sup> Madison's *Writings*, IV. 390, 391. See also *ibid.*, pp. 61, 63, 75, 294, 395, 419. How fully the nullification theory rests on the indivisibility of sovereignty is seen by an examination of the Address to the people of South Carolina by their delegates in convention.

<sup>3</sup> Madison, IV. 394, gives a beautiful example of how absolutely impossible it was for the clearest thinkers to adhere at first to the doctrine of indivisible sovereignty of a "moral person." Rowan's speech is in Niles's *Register*, XXXVIII., Supp., p. 46.

sovereignty and the right of secession rests on the philosophic conception of the indivisibility of sovereignty; and coupled with this philosophical conception is the idea that states do not originate in agreement and that law is the expression of the will of a superior being. I do not mean to contend that Calhoun consistently spoke in terms of the organic philosophy. On the contrary, he occasionally fell back into the thought and expression of the preceding generation; that was inevitable. But his argument as it was developed, really rested on philosophic presuppositions foreign to the thinking of the time when the Constitution was adopted.<sup>1</sup> If the student of Calhoun's writings does not agree with me in this, perhaps he will be willing to admit that the argument in behalf of state sovereignty, as it has been developed and worked out, for example by Alexander H. Stephens, relies on presuppositions belonging to the organic philosophy. When once the defender of the position has demonstrated that the states were sovereign before the Constitution was adopted and that they adopted the Constitution as separate states, he is ready to believe his point proved; because he believes that unity cannot spring from agreement, that an agreement between isolated beings ends in agreement and nothing but agreement.

Madison's letters of the nullification period are a complete answer to Hayne and Calhoun, written from the standpoint of the men who made the Constitution. But the same sort of reply came from other sources. Jackson's proclamation, for example, is written on the old lines of the compact idea:

"The Constitution of the United States, then, forms a *government*, not a league; and whether it be formed by compact between the States, or in any other manner, its character is the same. . . . Because the Union was formed by compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it; but it is precisely because it is a compact that they cannot. A compact is an agreement or binding obligation. It may by its terms have a sanction or penalty for its breach or it may not."

Of great interest in this connection are the resolutions which some of the states drafted in answer to South Carolina.<sup>2</sup> They are exceedingly good examples of the continuance of the social-compact idea and of the compact philosophy. Massachusetts spoke as

<sup>1</sup> The reader may notice especially that in his letter to Governor Hamilton of August, 1832, Calhoun expended great effort to show that there had been no such body politic as the American people before the adoption of the Constitution. The adoption, therefore, he would seem to say, by thirteen bodies politic does not make law but agreement.

<sup>2</sup> It is sometimes overlooked that nearly every state which answered the resolutions of South Carolina declared her theory a heresy and of dangerous tendency. See even the resolutions of North Carolina and Mississippi.

she might have spoken forty years earlier: "The constitution of the United States of America is a solemn Social Compact, by which the people of the said States, in order to form a more perfect union . . . formed themselves into one body politic."<sup>1</sup> Ohio's answer was much the same: "Resolved that the Federal Union exists in a solemn compact, entered into by the voluntary consent of the people of the United States, and of each and every State, and that therefore no State can claim the right to recede therefrom or violate the compact. . . ."<sup>2</sup> The argument in the report of the Senate Committee of Massachusetts is especially significant, because it so clearly and keenly analyzes the position of South Carolina and meets the proposition of the nullifiers so squarely. The committee saw that nullification rested on this assumption: "The States were independent of each other at the time when they formed the Constitution; therefore they are independent of each other now." To one thinking rigidly in the terms of the organic philosophy the assumption that the states were independent and separate when they formed constitutions is equivalent to a declaration that they were independent afterwards or at least that the mere adoption of the Constitution did not deprive them of independence. But the Massachusetts committee answered in terms of the compact philosophy, and thus stood in the position of the men of 1787, who could see no reason why an actual unity should not result from consent. "The rights and obligations," said this committee, "of the parties to a contract are determined by its nature and terms, and not by their condition previously to its conclusion."<sup>3</sup>

Generalizations with regard to this subject are dangerous and difficult; but it certainly seems inevitable that one must draw at least this conclusion—Men differed, in part at least, because of their different fundamental conceptions, and those conceptions were philosophic. One side declared that the Constitution was a compact and therefore not binding; the other side declared that the Constitution was a compact and therefore was binding. One side said that sovereignty was indivisible; the other declared that it was divisible and had been divided. The organic philosophy is accepted by

<sup>1</sup> *State Papers on Nullification*, Boston, 1834, p. 128. The quotations above given are of course only a small part of these replies.

<sup>2</sup> *Ibid.*, p. 206. See also p. 214.

<sup>3</sup> *Ibid.*, 119. "Now there can be no doubt, that independent states are morally as capable of forming themselves into a body politic, as independent individuals. . . . Hence, were it even admitted, that the states were distinct and independent communities at the time when they framed the Constitution, the fact would no more prove that they are distinct and independent communities now, than the fact that two parties to a marriage contract were single before its conclusion goes to prove that they are single afterwards," *ibid.*



modern philosophic publicists and writers of political science. Will they say that, because the men of 1787 did not act and speak in the terms of the philosophy which arose from the civilization of the next century, a philosophy which was first decisively manifested in Hegel and given full expression by the more modern political philosophers, they did not do what they intended to do? Would it not be as wise to insist that, inasmuch as Locke's philosophy is now rejected, James II. was not overthrown, and that his descendants are entitled to exercise the prerogatives of the British crown? The judicial construction of the Constitution has remained in large measure in accord with the compact philosophy. Shall we declare that judges and lawyers must abandon the traditional idea of the division of sovereignty or the theory that the states come into the Union surrendering a portion of their sovereignty, and that the acceptance of the Constitution made the American people a nation? Is there not much to be said in favor of adherence to old and original notions?

But the organic philosophy of course obtained its followers among those who gave the national construction to the Constitution, and before the Civil War men were meeting the advocates of secession on their own ground.<sup>1</sup> The organic character of the United States can be sustained on an interpretation of acts, facts and forces of the Revolutionary period, 1760-1790, which takes into account the realities which underlay all seeming conditions or the conscious acts of men. I do not mean to affirm or deny that men were clearly conscious of national life and of the idea that the states were not truly sovereign.<sup>2</sup> I mean simply to say that by the very character of the organic philosophy one is compelled to go beneath the surface and to see realities. Of course men who argued from the basis of the organic idea and nevertheless maintained that the United States was more than a multiple of units organically separate, did not in so many words declare that they had taken up new philosophic ground; but in fact they had left compact thinking behind them, and from the new view-point met the declaration of state sovereignty with a new interpretation of history which naturally and logically

<sup>1</sup> I have omitted reference to Webster, because Webster's speeches on the subject require longer and fuller exposition than I can give them in this article. Story, too, deserves special examination; but, as was to be expected in his time, there is great confusion in his writings and a single idea is not carried through logically. He sometimes talks in terms of compact; sometimes not.

<sup>2</sup> I have already shown that some men believed that the states were not made independent of each other by declaring independence from Great Britain. See the speech of Pinckney before the South Carolina convention, as well as many assertions in the Philadelphia convention, or Hamilton's well known statement that a nation without a national government was an awful spectacle. They were more or less conscious of the reality—the existence of national life.

sprang from the new methods of thought. The ordinary mode adopted was to deny that the states were ever sovereign and to insist, as Lincoln did, that the Union was older than the states.

An excellent example of this method of interpreting history is found in Alexander Johnston's article on state sovereignty in Lalor's *Cyclopaedia*. Granted that sovereignty is not simply law-making power, but the will, the impulse, the controlling motive of a mass of people organically fused together, where are we to find such a will, where are we to find such actual fusion, this dominating reality, before 1789? Evidently not in the incompetent states, for to call them sovereign is to give a meaning to sovereignty incompatible with the organic philosophy.

"The states declared themselves sovereign over and over again; but calling themselves sovereign did not make them so. It is necessary that a state should be sovereign, not that it should call itself so, while still sheltering itself under a real national authority. The nation was made by events and by the acts of the national people, not by empty words or by the will of sovereign states. . . . The national feeling held the nation together, and forced the unwilling state governments to stand sponsor to a new national assembly. Such was the convention of 1787."

Now my contention is that this philosophic interpretation of facts, seizing the underlying verity, is not only admissible but necessary for those who insist on reading the events of those days from the view-point of the organic philosophy. But I also contend that if the *conscious* deeds and words of men are to form the sole basis of our argument, then we are thinking as becomes those who are bound by the conceptions of the compact philosophy, the distinguishing characteristic of which was that it never went below the consciousness in whatever field of human thinking it showed itself, in the two centuries during which it reigned supreme; and we are also bound to remember that the framers were thinking and speaking in terms of compact and believed that agreement could establish unity.

That methods of constitutional interpretation as well as arguments on the essential character of the United States should be influenced by the development of political philosophy was inevitable. For philosophy is only one field of thought, unless it be, as the philosophers claim, the sum of all. The political philosophy of this century is merely the systematization of ideas and modes of thought produced by the developments of the century. And it is exceedingly significant that the organic idea should have first been used in behalf of a declaration that the United States was not organic and that it should have found expression in the acts of a state where society

<sup>1</sup>Lalor's *Cyclopaedia*, III. 791.

was and had been from the beginning peculiarly unitary in its make-up, in the acts of a state which had from early days felt its individuality. It is a striking paradox that the organic philosophy should have formed the basis for the defense of slavery which was disorganizing the nation. Paradoxical, too, is the fact that abolitionism received its being from the growing realization that all men were one, from the prevalence of the humanitarian spirit which has found verbal formulation in the precepts of the organic philosopher.

When organic thinking has shown itself in all fields of thought—in science where men have ceased to speak of the isolated creation of matured species, or even of the isolated development of a single animal, but speak rather of the organic character not simply of an isolated specimen but of the natural world; in history, where the investigator looks behind the conscious acts of men to the hidden forces which were working in society, and smiles at the idea that Caesar overthrew the Republic or that Lincoln destroyed slavery; in sociology, where students give themselves up to the study of social change and social regeneration; in metaphysics, where the scholar seeks to show the unity, which exists in all seeming diversity, and can explain nothing except in its relations and as part of a whole—when all the forces of modern life have drawn men together and made society more truly and really one than ever before, save, perhaps in the little states of ancient Greece, it is perfectly inevitable that an organic notion of political society should prevail. It was inevitable, too, that political thinking and argument in the course of this century should have been materially affected by the modification and development of society. The constitutional history of the United States is in no small degree taken up with tracing opinion and assertion as to the actual character of the Union; and the historian is compelled to notice the change which took place in the opinions, words and thoughts of statesmen as they were influenced by the change in society and by the prevalence or growth of doctrines as to the origin and nature of the state. The Civil War was doubtless caused by economic conditions, and by economic and moral differences; but each of the contending parties was struggling for what it believed to be the law. Opinion as to what was the law depended on the interpretation of history and also upon the acceptance or rejection of certain philosophic conceptions.

My purpose in this paper has been to show: (1) That the men of one hundred and twenty-five years ago thought within the limits of the compact philosophy; (2) That they carried the compact idea so far that they actually spoke of the Constitution as a social compact; (3) That it is necessary for us to remember their fundamental



ideas and to interpret their words and conscious acts in the light of their methods of thought ; (4) That in the development of modern organic philosophy new ideas were introduced and new meanings assigned to terms ; (5) That from this latter fact, from the inability to agree on fundamental conceptions, arose confusion ; (6) That the doctrine of state sovereignty as it has been developed rests on philosophic presuppositions almost if not entirely unknown to the framers of the Constitution ; (7) That if we use the terms and insist on the ideas of the organic philosophy, we are entitled to seek the realities lying behind the words of men.

ANDREW C. McLAUGHLIN.

## THE UNITED STATES AND MEXICO, 1847-1848<sup>1</sup>

DURING the last eighteen months, few students of our history can have failed to be struck with the points of similarity between some of the aspects and incidents of our recent public policy and some of the phases of the Mexican War. Not only in broad outlines is there a resemblance between the two situations, but it exists even in details. What a curious coincidence that in the one case we should have assisted the exiled Santa Anna to return to Mexico, counting on his friendly aid in attaining our demands, and that in the other the exiled Aguinaldo should have been brought home and his followers equipped as our allies! Indeed let any one who thinks this comparison forced read over his *Biglow Papers*. The famous epistle of Birdofreedom Sawin from Mexico echoes with contemporary discussion, and one long passage, with two or three changes in the names, might well serve the Anti-Imperialists as a model for the times.

It is not my purpose on this occasion to follow out in detail the comparison between the two wars and the issues arising from them, but rather, in view of the present persistent asseveration that the capture of Manila Bay imposed upon the United States at once the duty and the necessity of securing and retaining the Philippines, to recall how we escaped annexing all of Mexico in 1848. This New Spain, less populous than our antipodal islands, converted to our territory, a political wreck from the incessant turmoil of civil war, in the complete possession of our armies for months, the flag flying from the "Halls of the Montezumas," was finally relinquished, although the situation presented every argument urged for retention of the Philippines more cogently, and annexation would have involved fewer social, political and constitutional difficulties.

In the light of present events and of current opinion it is credible that, if confronted to-day by that situation, our people would avoid their duty and leave the conquered to work out their salvation merely disburdened of some undeveloped territory. That a policy so alien to our present ideas should have prevailed only a half-century ago invites some explanation in addition

<sup>1</sup> Read at the meeting of the American Historical Association at Cambridge, Mass., December 29, 1899.

to the obvious one that expansion and the extension of human slavery were, in the minds of an increasing number, inextricably bound together, and that therefore the deepening moral abhorrence of slavery, which was taking fast hold of the idealists, re-enforced the opposition of conservatism. As a consequence just that idealist element which, to-day, leads the movement for expansion under the banner of political altruism, shrank back fifty years ago from having anything to do with it.

It is to offer some further explanation beyond this obvious one that I undertake a brief inquiry into the rise, diffusion and probable strength of a desire to acquire all of Mexico. For such an inquiry will show that the movement for expansion, although associated in the minds of many people with the extension of slavery, was by no means identical with it, being on the one hand strongly opposed by some of the ablest champions of the institution and on the other hand ardently advocated by its enemies, while the body of its support was in no inconsiderable degree made up of men on the whole indifferent to the slavery question. The emergence of this expansionist movement at this time in spite of the obstacles to its success prepares us for its triumphant career at the present day, when it has no substantial hindrance save the conservative spirit, to whose objections our sanguine people are wont to pay little attention.

It is well known that President Polk on assuming office announced to George Bancroft that he proposed during his term to settle the Oregon question and to acquire California.<sup>1</sup> He is, I think, with the possible exception of Grant, the only president who has entered office with a positive and definite policy of expansion. Polk was in fact an expansionist, not at the behest of slavery as has been charged, but for the cause itself; yet a prudent expansionist, for he hesitated at the incorporation of large masses of alien people, refusing to countenance, as we shall see, the all-of-Mexico movement and yielding only in the case of the proposed purchase of Cuba. To accomplish his purpose in regard to California, when negotiations failed, President Polk was ready to try conquest and he welcomed, if he did not provoke, the war with Mexico.<sup>2</sup> The conquest of sparsely settled California and New Mexico was easily accomplished. The resistance of Mexico, although more desperate than was expected, was not effectual and in April, 1847, Mr. Trist was despatched with the project of a

<sup>1</sup> Schouler's *History of the United States*, IV. 498.

<sup>2</sup> Compare the narrative in Schouler's *Historical Briefs*, 149-151, which is a faithful presentation in brief of the material contained in Polk's diary.



treaty. Our commissioner was authorized to offer peace on the cession of all territory east of the Rio Grande from its mouth to the southern boundary of New Mexico, New Mexico, Upper and Lower California and a right of way across the Isthmus of Tehuantepec. "The boundary of the Rio Grande, and the cession to the United States of New Mexico and Upper California constituted an ultimatum," and less than that was under no circumstances to be accepted. The refusal of these terms was followed in September by the capture of the City of Mexico. The news of this triumph of the American arms which reached Washington late in October soon gave rise to an active agitation to incorporate all of Mexico into the Union.<sup>1</sup> The opponents of the administration averred this to be the design of the President, although it was not, and the suspicion was increased by the known fact that the Secretary of the Treasury, Robert J. Walker, was an advocate of this policy.<sup>2</sup>

Inasmuch as President Polk initiated his own policy and resolutely and independently pursued his own plans, no account of his presidency can be satisfactory to-day, which is not based on a careful examination of the voluminous diary<sup>3</sup> in whose pages are recorded not only his own views and intentions but also brief reports of cabinet meetings and of conferences with party leaders. Turning to this record we find that Polk told his cabinet, September 4, 1847, that if the war was still further prolonged he would "be unwilling to pay the sum which Mr. Trist had been authorized to pay," in the settlement of a boundary, by which it was contemplated that the United States would acquire New Mexico and the Californias; and that "if Mexico continued obstinately to refuse to treat, I was decidedly in favor of insisting on more territory than the provinces named." The question was discussed by the cabinet on September 7, and Secretary Walker and Attorney-General Clifford are recorded as "in favour of acquiring in addition the department or state of Tamaulipas, which includes the port of Tampico." Secretary Buchanan, the Postmaster-General and Secretary John Y. Mason opposed this proposition. The President declared himself "as being in favour of acquiring the cession of the Depart-

<sup>1</sup> Cf. Von Holst, III. 341-344. It will be noticed that Von Holst, not having access to Polk's diary, worked in the dark in regard to the President's Mexican policy and attributes designs to him which he did not entertain. The *New York Sun* asserted in October that it had advocated the occupation of Mexico in May. Niles, LXXIII. 113.

<sup>2</sup> *Baltimore American* in Niles, LXXIII. 113.

<sup>3</sup> George Bancroft's typewritten copy of the MS. of the diary is among the Bancroft Papers in the Lenox Library. For an account of the diary see Schouler, *Historical Briefs*, 121-124. I may take the occasion here to express my appreciation of the courtesy of Mr. Eames and Mr. Palsits in giving me every facility in the examination of the diary and correspondence of Polk.

ment of Tamaulipas, if it should be found practicable." Clifford proposed the recall of Trist and the prosecution of the war with the greatest vigor until Mexico should sue for peace. This was approved by Walker and by the President except as regards the recall of Trist. A month later he changed his mind and Trist was recalled, as he notes, October 5, "because his remaining longer with the army could not probably accomplish the objects of his mission, and because his remaining longer might and probably would impress the Mexican government with the belief that the United States were so anxious for peace, that they would ultimate (*sic*) conclude one on the Mexican terms. Mexico must now sue for peace and when she does we will hear her propositions."

Another month passes and Secretary Buchanan has shifted his position, presumably in response to some indications of a changing public sentiment, such as the recent Democratic victory in Pennsylvania, and we are not surprised to learn that he "spoke in an unsettled tone" and "would express no opinion between these two plans," *i. e.*, for the President in his message "to designate the part of Mexican territory, which we intended to hold as an indemnity, or to occupy all Mexico, by a largely increased force, and subdue the country and promise protection to the inhabitants." Buchanan would, so Polk gathered from his utterances, favor the acquisition of Tamaulipas and the country east of the Sierra Madre Mountains and withdraw the troops to that line. This in fact Buchanan announced to the President nearly two months later, January 2. "My views," records the President, November 9, "were in substance that we would continue the prosecution of the war with an increased force, hold all the country we had conquered, or might conquer, and levy contributions upon the enemy to support the war, until a just peace was obtained, that we must have indemnity in territory, and that as a part indemnity, the Californias and New Mexico should under no circumstances be restored to Mexico, but that they should henceforward be considered a part of the United States and permanent territorial governments be established over them; and that if Mexico protracted the war additional territory must be acquired as further indemnity."

He adds in regard to Buchanan: "His change of opinion will not alter my views; I am fixed in my course, and I think all in the Cabinet except Mr. Buchanan still concur with me, and he may yet do so."

On November 18, Polk requested Buchanan to prepare a paragraph for the message to the effect: "That failing to obtain a peace, we should continue to occupy Mexico with our troops and

encourage and protect the friends of peace in Mexico to establish and maintain a Republican Government, able and willing to make peace." By this time Buchanan had come into an agreement with the President, and on the 20th, the cabinet all agreed that such a declaration should be inserted in the message. But if peace could not be obtained by this means the question was as to the next step. "In Mr. Buchanan's draft, he stated in that event that 'we must fulfill that destiny which Providence may have in store for both countries.'"

Experience warns us, when a statesman proposes humble submission to the leadings of Providence, that he is listening anxiously and intently to the voice of the people. President Polk was too independent a man to get his divine guidance by those channels and announced to his cabinet: "I thought this would be too indefinite and that it would be avoiding my constitutional responsibility. I preferred to state in substance, that we should in that event, take the measure of our indemnity into our own hands, and dictate our own terms to Mexico."

Yet all the cabinet except Clifford preferred with Buchanan to follow whither destiny should lead.<sup>1</sup> The paragraph was still troublesome, and Polk presented a third draft to the cabinet, November 23. "Mr. Buchanan," records the diary, "still preferred his own draft, and so did Mr. Walker, the latter avowing as a reason, that he was for taking the whole of Mexico, if necessary, and he thought the construction placed upon Mr. Buchanan's draft by a large majority of the people, would be that it looked to that object."

Polk's answer does him honor: "I replied that I was not prepared to go to that extent; and furthermore, that I did not desire that anything I said in the message should be so obscure as to give rise to doubt or discussion as to what my true meaning was; that I had in my last message declared that I did not contemplate the conquest of Mexico. And that in another part of this paper I had said the same thing."

It will be noticed that on this occasion Robert J. Walker comes out squarely for all of Mexico. He seems to have improved the occasion again in his Treasury report to express his views, but the President required that to be in harmony with the message. Perhaps it will not be superfluous to remark that the most advanced expansionist in Polk's cabinet always had been an expansionist, was opposed to slavery, although a Southerner by adoption, and was during the Civil War a strong Union man.

<sup>1</sup> It is interesting to note that Buchanan used this rejected paragraph in a letter to a democratic meeting in Philadelphia. Von Holst, III., 341 n.



Twice later this crucial paragraph was revised. In its final form it read: "If we shall ultimately fail [*i. e.*, to secure peace], then we shall have exhausted all honorable means in pursuit of peace, and must continue to occupy her country with our troops, taking the full measure of indemnity into our own hands, and must enforce the terms which our honor demands."<sup>1</sup> An earlier passage, however, in explicit terms renounced the "all-of-Mexico" policy in these words: "It has never been contemplated by me, as an object of the war, to make a permanent conquest of the Republic of Mexico, or to annihilate her separate existence as an independent nation."<sup>2</sup>

The opening of Congress gave an opportunity for the rising feeling for all of Mexico to show its strength. Yet it must not be forgotten that the new House had been elected over a year earlier, when the opposition to the war was perhaps at its height and not yet counterbalanced by the excitement of the victories of 1847. During the first weeks of the session many series of resolutions in favor of and against the policy of all-of-Mexico were presented. Several of the latter were offered by Southern Whigs like Botts of Virginia and Toombs of Georgia, and illustrate the point that the slavery and expansion interests were not identical. Similarly, as Calhoun made the ablest speech against the absorption of Mexico, so the most outspoken advocates of it were Senator Dickinson of New York, a Hunker Democrat, and Senator Hannegan of Indiana. Hannegan offered the following resolution January 10: "That it may become necessary and proper, as it is within the constitutional capacity of this government, for the United States to hold Mexico as a territorial appendage."<sup>3</sup> Senator Dickinson, who at the Jackson dinner on the 8th had offered the toast "A More Perfect Union embracing the entire North American Continent,"<sup>4</sup> on the 12th made a speech in the Senate advocating expansion, in which he declared for all of Mexico and asserted that it was our destiny to embrace all of North America. "Neither national justice," said he, "nor national morality requires us tamely to surrender our Mexican conquests, nor should such be the policy of the government if it would advance the cause of national freedom or secure its enjoyment to the people of Mexico."

Calhoun at the earliest opportunity, December 15, had offered these trenchant resolutions: "that to conquer Mexico or to hold it either as a province or to incorporate it in the Union would be

<sup>1</sup> *Niles Register*, LXXIII. 230.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Cong. Globe*, 30th Cong., 1st Session, p. 136.

<sup>4</sup> *Niles Register*, LXXIII. 336.

inconsistent with the avowed object for which the war has been prosecuted ; a departure from the settled policy of the government ; in conflict with its character and genius, and in the end subversive of our free and popular institutions."<sup>1</sup>

These resolutions drew from Cass a few days later the wonderful assertion that " there is no man in this nation in favor of the extinction of the Nationality of Mexico." Whereupon Calhoun rejoined " Why, you can hardly read a newspaper without finding it filled with speculation upon this subject. The proceedings that took place in Ohio at a dinner given to one of the volunteer officers of the army returned from Mexico show conclusively that the impression entertained by the persons present was, that our troops would never leave Mexico until they had conquered the whole country. This was the sentiment advanced by the officer and it was applauded by the assembly, and endorsed by the official paper of that State."<sup>2</sup>

Calhoun put the case even more strongly in his speech in the Senate, January 4: " There was at that time [*i. e.*, at the beginning of the session] a party scattered all over every portion of the country in favor of conquering the whole of Mexico. To prove that such was the case, it is only necessary to refer to the proceedings of numerous large public meetings, to declarations repeatedly made in the public journals, and to the opinions expressed by the officers of the army and individuals of standing and influence, to say nothing of declarations made here and in the other House of Congress."<sup>3</sup> Some of these expressions may be briefly noticed. General John A. Quitman, one of the most energetic of the army officers, subsequently a persistent advocate of the acquisition of Cuba, arrived in Washington in December and presented a plan to the President for a permanent occupation of Mexico.<sup>4</sup> Commodore Stockton, the Dewey of the conquest of California, at a great dinner given in his honor the 30th of December, advocated not the annexation but the occupation of Mexico until that people should be completely regenerated, and would accept civil and religious liberty and maintain a genuine republic.<sup>5</sup> Among the newspapers advocating the retention of all of Mexico we find, strange as it seems, the *New York Evening Post*, with such language as this : " Now we ask whether any man can coolly contemplate the idea of recalling our troops

<sup>1</sup> *Cong. Globe*, p. 26.

<sup>2</sup> *Cong. Globe*, 30th Cong., 1st Sess., *ibid.*, p. 54.

<sup>3</sup> Quoted by Von Holst, III. 343. Cf. Niles, *Register*, LXXIII. 334. A writer in the *Charleston Courier* affirmed : " Most of the leading Democratic papers openly advocate that policy." Niles, LXXIII. 351.

<sup>4</sup> Claiborne's *Quitman*, II. 79.

<sup>5</sup> Niles, *Register*, LXXIII., 335.

from the territory we at present occupy, from Mexico—from San Juan de Ulloa—from Monterey—from Puebla—and thus by one stroke of a secretary's pen, resign this beautiful country to the custody of the ignorant cowards and profligate ruffians who have ruled it the last twenty-five years. Why, humanity cries out against it. Civilization and Christianity protest against this reflux of the tide of barbarism and anarchy."<sup>1</sup>

The *National Era*, the organ of anti-slavery, advocated the absorption of Mexico by the admission to the Union of individual Mexican states as fast as they should apply. The disrupted condition of Mexico favored this solution.<sup>2</sup>

In New York the Hunker Democrats came out strongly. The "Address to the Democracy of New York" unanimously adopted by the Syracuse Convention explains that as the purpose of the occupation of Mexico is to advance human rights such occupation is miscalled a conquest. "It is no more than the restoration of moral rights by legal means." The field for such a work is "opened to us by the conduct of Mexico, and such moral and legal means are offered for our use. Shall we occupy it? Shall we now run with manly vigor the race that is set before us? Or shall we yield to the suggestions of a sickly fanaticism, or sink into an enervating slumber? . . . We feel no emotion but pity for those whose philanthropy, or patriotism, or religion, has led them to believe that they can prescribe a better course of duty than that of the God who made us all."<sup>3</sup>

January 12, Senator Rusk of Texas called on the President to request him not to commit himself further against the annexation of all of Mexico. Polk told him that his views had been distinctly stated in his message and that his mind had not changed.

As in our own day foreign pressure in this direction was not lacking. More than a year earlier Bancroft wrote Buchanan from London: "People are beginning to say that it would be a blessing to the world if the United States would assume the tutelage of Mexico."<sup>4</sup> Rumors, too, were current of a rising annexationist party in Mexico.<sup>5</sup>

<sup>1</sup> Quoted in Niles, *Register*, LXXIII. 334, in article on "Manifest Destiny."

<sup>2</sup> The *National Era*, August 19, 1847. The article fills three and one-half columns. The plan was presented again February 3, 1848. As these Mexican accessions would probably have preserved their non-slaveholding character, the number of free states would have been immensely reinforced by any such proceeding.

<sup>3</sup> Niles, *Register*, LXXIII. 391.

<sup>4</sup> G. T. Curtis's *Buchanan*, I. 576. In this connection it is interesting to compare the forecast, at a somewhat later date, of Alexander von Humboldt: "Die Vereinigten Staaten werden ganz Mexico an sich reißen und dann selbst zerfallen." Roscher, *Kolonien, Kolonialpolitik und Auswanderung*, p. 177.

<sup>5</sup> Cf. the citation by Von Holst, III. 342, from Hodgson's *Cradle of the Confederacy*, 251-252, in regard to the annexation party in Mexico. Hodgson's estimate, however, must be greatly exaggerated.



The foregoing all show that the agitation for "all of Mexico" was well started and needed only time to become really formidable. It was deprived of that requisite element of time by the astonishing course of Trist, who despite his recall still lingered with Scott's army and finally negotiated a treaty on the lines of Polk's ultimatum. How this conduct struck the President can best be told in his own words. When he hears, January 4, that Trist has renewed negotiations he says: "This information is most surprising. Mr. T. has acknowledged the receipt of his letter of recall, and he possesses no diplomatic powers. He is acting no doubt upon General Scott's advice. He has become the perfect tool of Scott. He is in this measure defying the authority of his government. . . . He may, I fear, greatly embarrass the government." On the 15th came a long despatch from Trist, which Polk declares "the most extraordinary document I have ever heard from a Diplomatic Representative. His dispatch is arrogant, impudent, and very insulting to his government and was personally offensive to the President. He admits he is acting without authority and in violation of the positive order recalling him. It is manifest to me that he has become the tool of General Scott and his menial instrument, and that the paper was written at Scott's instance and dictation. I have never in my life felt so indignant, and the whole Cabinet expressed themselves as I felt."

Buchanan was directed to prepare a stern rebuke to Trist and Marcy to write Scott to order him to leave the headquarters of the Army.

January 23, Senators Cass and Sevier advised the President to inform the Mexican government that Trist had been recalled. The next day Buchanan thought such a letter proper if Polk had made up his mind to reject the treaty. This Buchanan thought should be done. Polk said he could not decide till he saw the treaty. On the 25th the question was put before the cabinet. Walker agreed with Buchanan. In regard to the treaty Polk said that if "unembarrassed" he "would not now approve such a treaty," but was now in doubt about his duty. Buchanan still favored rejection, while Marcy was in favor of approval if the treaty were on the lines of the ultimatum, and John Y. Mason took sides with Marcy. It was finally decided on the 28th to despatch the letter to the Mexican government. The next entry of importance records the arrival of the treaty after nightfall, February 19. Polk found it within Trist's original instructions as regards boundary limits and thought that it should be judged on its merits and not prejudiced by Trist's bad conduct. The next evening, Sunday, the cabinet discussed the

treaty. Buchanan and Walker advised its rejection. Mason, Marcy, Johnson and Clifford favored its acceptance. Buchanan announced that he "wanted more territory and would not be content with less than the lines of Sierra Madre in addition to the Provinces secured in this treaty." Polk reminded Buchanan of his entire change of position during the war and adds in his diary that he believed the true reason of Buchanan's course to be that he was a candidate for the presidency. If the treaty were well received he would not be injured, if opposed he could say that he opposed it.

February 21, the President made known his decision to the cabinet: "That under all the circumstances of the case, I would submit it to the Senate for ratification, with a recommendation to strike out the 10th Art. I assigned my reasons for this decision. They were briefly, that the Treaty conformed on the main question of limits and boundary to the instructions given Mr. Trist in April last—and that though if the Treaty was now to be made, I should demand more, perhaps to make the Sierra Madre the line, yet it was doubtful whether this could be ever obtained by the consent of Mexico. I looked to the consequences of its rejection. A majority of one branch of Congress is opposed to my administration; they have falsely charged that the war was brought on and is continued by me, with a view to the conquest of Mexico, and if I were now to reject a Treaty made upon my own terms as authorized in April last, with the unanimous approbation of the Cabinet, the probability is, that Congress would not grant either men or money to prosecute the war. Should this be the result, the army now in Mexico would be constantly wasting and diminishing in numbers, and I might at last be compelled to withdraw them, and then lose the two provinces of New Mexico and Upper California which were ceded to us by this Treaty. Should the opponents of my administration succeed in carrying the next Presidential election, the great probability is that the country would lose all the advantages secured by this Treaty. I adverted to the immense value of Upper California, and concluded by saying that if I were now to reject my own terms as offered in April last, I did not see how it was possible for my administration to be sustained."

The rumor soon spread in Washington that Buchanan and Walker were exerting their influence to have the treaty rejected. On the 28th Senator Sevier, the chairman of the Committee on Foreign Relations, informs the President that the committee will recommend the rejection of the Treaty and advise sending a commission. The other members of the committee were Webster, Benton, Mangum and Hannegan. Polk declared his opinion unchanged

and expressed his belief that Webster's object was to defeat the treaty. Sevier said Webster wanted no territory beyond the Rio Grande, and Polk comments in his diary: "Extremes meet. Mr. Webster is *for no territory* and Mr. Hannegan is *for all Mexico*. Benton's position cannot be calculated." Polk concludes his entry with: "If the treaty in its present form is ratified, there will be added to the United States an immense Empire, the value of which twenty years hence it would be difficult to calculate." It was surely the irony of fate that the eyes of this resolute Augustus, enlarger of empire, were so soon closed in death and that he was not suffered to see in the consequences of his policy the fulfillment at once of the most dismal prognostications of its opponents and of his own confident prophecy.

For several days the treaty hung in the balance. On February 29, Polk records: "From what I learn, about a dozen Democrats will oppose it, most of them because they wish to acquire more territory than the line of the Rio Grande and the Provinces of New Mexico and Upper California will secure." On March 2, the outlook appeared more hopeful; on the third Benton and Webster are recorded as the leading opponents. The suspense came to an end, March 10, when the treaty was ratified at 10 P. M., 38 to 14, four senators not voting.

The reception of the treaty and its recommendation to the Senate clearly defined the position of the administration and tended to discourage the advocates of "all of Mexico." If Trist had returned as ordered and the war had been prolonged, we should probably have acquired more territory, but how much more is of course uncertain. Calhoun in his opposition realized that every delay in bringing the war to a close would strengthen the expansion party and complicate the situation in ways that would contribute to advance their cause. We can best realize the importance of the element of time in this matter and so appreciate the significance of Trist's unexpected action in securing a treaty if we remember how long it took after the battle of Manila Bay for the final policy of acquiring all the Philippines to be developed. Trist's treaty arrived about four months after the news of the capture of Mexico City and it was at least four months and a half after the battle of Manila Bay before the present administration decided to demand all of the Philippines. Nor must we forget in this comparison that the formation and expression of public opinion through the agency of the press proceeds to-day at a much more rapid pace than fifty years ago.

In conclusion, then, in answer to the question how we escaped



the annexation of all of Mexico in 1847-48 the following reasons may be assigned. The growing realization that territorial expansion and the extension of slavery were so inextricably involved with each other that every accession of territory would precipitate a slavery crisis powerfully counteracted the natural inclinations of the people toward expansion which are so clearly revealed to-day. The fact that the elections for the Congress that met in December, 1847, took place over a year earlier, before the great military victories of 1847 had begun to undermine the first revulsion from a war of conquest, gave the control of the House to the Whigs, who as a party were committed against the war and consequent annexations. Thirdly, there was the opposition of President Polk, who effectually controlled the policy of the government; and finally, the lack of time for the movement to gather sufficient headway to overcome these obstacles.

EDWARD G. BOURNE.

## THE CHINESE IMMIGRANT IN FURTHER ASIA<sup>1</sup>

IN entering upon their heritage in the Far East the people of the United States have the experience of four European nations to guide them in dealing with the all-important problem of Chinese immigration and labor. The conditions on the other side of the Pacific are so radically different from those which rightly or wrongly have determined our policy as to admitting the Asiatic workman into this country that we must dismiss old prejudices and learn to consider the Chinaman in our Eastern dependencies as an indispensable means to their economic development, not, as in our own country, an obstacle to our complete happiness. His nearness to the Philippine Islands and his ability and willingness to work in their tropical climate render us at once unable to exclude him from those shores and almost helpless without his steady industry to exploit them. It will be profitable and interesting to observe how he has been treated in these and similar regions by our predecessors the Spanish, the French, the Dutch, and the English.

The first and oldest of these colonizing nations has passed at length from the occupation of a few forlorn vestiges of empire which she was no longer fitted to retain, leaving to us, her successors, the sore legacy of her failure. For a time, doubtless, the business of restoring order in these islands of the East will press heavily upon us, but once fairly established our difficulties are likely to be rather economic than administrative. If the natives there prove themselves to be as fickle and fractious as they have been under the Spaniards we must look to China for the bulk of our labor supply, as they do elsewhere in the Archipelago, or fail utterly to make our holdings remunerative. That Spain neglected to do this was a chief cause of her political shipwreck, for the rebellions against which she was continually struggling were only the result and expression of economic collapse. Her first governors there, after founding Manila, very wisely encouraged the Chinese to settle in Luzon in order to promote trade from the mainland. Unfortunately this was a period of great and increasing disorder in China, when the empire was passing into the throes which portended the overthrow of the

<sup>1</sup> Paper read before the American Historical Association, at Boston, December 27, 1899.

Ming dynasty and the Manchu conquest. Piracy and buccanëering expeditions, by which thousands from the maritime provinces flourished exceedingly, gave the Spanish colonists an idea that the Chinese were dangerous fellows, to be watched and repressed wherever they settled. Added to this fear on the part of the Europeans was the jealousy of the native Tagals, who found themselves ousted from every lucrative pursuit the moment they were subjected to competition by Chinamen.

The result of these apprehensions was a resort to a policy with which the Spanish were familiar—that of extermination by massacre. The first fearful blow fell upon the Chinese in 1603, when in a few awful days twenty-three thousand of them were done to death by Spaniards and savage natives. The policy of slaughter once begun was more than once renewed,<sup>1</sup> but apprehensions of revenge induced the home government in the middle of the eighteenth century to order the entire exclusion of Chinese immigrants from the islands and the total expulsion of all those living there who had not been converted to Christianity. It was precisely the "hermit-nation policy" fostered and entertained at this period by China and Japan as regards Europeans, and universally condemned by these latter. But Spain was as incapable in execution as she was barren of policy. The order for exclusion was suicidal to the Spanish administrators; they got all their best pickings from taxing, fining and oppressing the Chinese in Luzon; their removal involved, therefore, the loss of their chief asset, and of course the edict from Madrid was never seriously enforced. A final effort to at least get rid of the Chinese trading class was made in 1804 by imposing prohibitive taxes upon shopkeepers which were remitted if they would go into the fields as laborers. But here their kindly and thoughtful rulers had omitted to take account of the prejudices of the Filipinos, who rose against the wretched Chinese and drove them back to the towns.<sup>2</sup>

In all this melancholy and disgraceful story of European ineptitude there appears to have been no desire on the part of either

<sup>1</sup> In 1639 some 20,000 are said to have perished in a six months' man-hunt conducted by Spaniards and Tagals. They were again set upon after the English occupation in 1763, and again so late as in 1819 when they were killed *en masse* in a cholera panic. J. Crawford, *Dictionary of the Indian Islands*, p. 349. Consul Stigand in *British Parliamentary Report*, F. O. Series, No. 1391, 1893. Guillemard, *Australasia*. J. Foreman, *The Philippine Islands*.

<sup>2</sup> Every European visitor to Manila testifies to its dependence upon the Chinese for its prosperity. Compare, *e. g.*, Lawrence Oliphant, Comte de Beauvoir, Bickmore, Wallace and others. Up to the end of the Spanish occupation the Chinese were taxed \$60 per annum for the right to keep shop; taxes on other activities ranged from \$12 to \$100. All their accounts had to be kept in Spanish. In spite of injustice and oppression, however, the Chinese in Luzon appear to have increased in the past half-century from some 8000 to about 100,000.



officials or priests from Spain to understand or deal fairly with their unpopular subjects of this race. To tax and bully and murder them until it was discovered that the colony was threatened with ruin for lack of traders and artisans, then to neglect the instructions from the home authorities and weakly admit them again into their unholy partnership in robbing the natives—this was all the system they could devise in dealing with one of the most expert and subtle peoples on the globe. The only success the Spanish attained with the Chinese community was got from recognizing "captains" elected from their own number, whose business it was to collect taxes and arrange all internal dissensions. Thus the Chinese could secure a tolerable degree of liberty at the price of an excessive taxation.

The other Catholic colonizing power in the East has shown herself to be less bigoted than Spain touching the religious welfare of her subjects, but she has yet something to learn in the matter of political toleration. Owing to her nearness to the populous provinces of China Proper, France has in Indo-China a military and political as well as an economic problem to solve as regards China. The situation there seems at first sight to be complicated by the legacy of hate left among the Chinese on both sides of the border because of their defeat in war and expulsion from Tongking. The French are rather disposed to read into the Oriental mind something of their own soreness over the loss of border provinces, and to conclude that the Chinese have no intention of acknowledging their discomfiture and abiding by their treaty.<sup>1</sup> But to those who best understand Chinese character it does not seem likely that they will ever be found antagonizing their self-interest by indulging in dreams of *revanche* if an opportunity of making money safely is vouchsafed them under French rule.

Taking up Cochinchina as the oldest of this colonial group first, it is evident that thus far French measures touching this delicate and important problem have been inspired by political rather than by economic motives. Fear of Chinese machinations among the more docile Annamese and of being overwhelmed in this region by their numbers prompted a heavy poll-tax upon them all alike. The Chinese government protested against an invidious distinction placed upon its subjects, and appealed to treaty stipulations. So the French placed a tax upon all Asiatics; and inasmuch as the Chinese alone travelled frequently or far a *Service de l'Immigration* was established at Saïgon to watch them and control, if possible, their immigration.<sup>2</sup>

<sup>1</sup> The argument is developed in the Report of M. Séville in the *Recueil de Délibérations du Congrès Colonial National*, 1888-1890, Tome II.

<sup>2</sup> Decree of November 24, 1874; also of April 6 and October 13, 1876. Under this *Service* or the Director of the Interior all the Chinese and their affairs in this colony were brought. Instructions issued January 10, 1879.

A Chinese reaching Saigon by sea, unless a contract laborer, had to be registered at the immigration bureau and receive a card. If he came overland he was made to buy a pass from the administrator and exchange this subsequently for a *permis de circulation* good for one month. For breaking these regulations the punishment was expulsion from the colony, and if the immigrant was caught returning he had to spend three years at the penitentiary. Exception to these rules and penalties was made in favor of women and children, who almost never immigrated and who were much desired. Decrees regulating, taxing, fining, punishing (and of course always irritating) the Chinese in the colony follow each other thick and fast during twenty years. The legislation is ever a matter of checks and hindrances, an artificial system that looks beautifully in Paris but works badly in Saigon. Here is a specimen: In November, 1880, the governor orders every Asiatic not a French citizen, unless he be a landowner or indentured laborer, to provide himself with a workman's book which is to contain his name, his prenomens, his birthplace, his occupation, the names or domicile of his parents if belonging to the colony, his signature, his photograph, his number and the date of its issue, with sundry remarks if any room remained for them. For such a book the fee was 2 frs. 50 centimes, and if lost a new one cost 2 frs. more. The population of the region was roughly estimated at two million souls; if every adult male there got his book it was not strange that the French *fonctionnaires*, though numerous, complained of being overworked in a tropical climate. Moreover these attempts at prevention and control did not in the least affect the influx of Chinese into the colony. By January, 1885, the notion of the little book was allowed to drop in so far as immigrating Chinese were concerned, and they were required to buy a personal card for identification at the beginning of each year. For purposes of taxation they were divided into three groups: first, indentured laborers of the first and second class and landowners paying taxes of sixty *piastres* (Mexican dollars) or over; second, indentured laborers of the third class and landowners paying between sixty and twenty *piastres* in taxes; third, all others, women and those under fifteen or over sixty years excepted. To leave the colony every Asiatic was made to spend 2 francs for a permit.

In spite of the admirable completeness of these arrangements the Chinese were not kept well in hand, and the expected prosperity was still somewhat painfully awaited. But the French would not give up their centralized system, their cards of identification, their classification by category. Existing regulations<sup>1</sup> there are slightly

<sup>1</sup> Dating from a decree of February 19, 1890.



less severe than of old, but they compel the incoming Asiatic to go to the capital, register at the bureau of immigration, accept a place in one or another of the groups recognized by government, obtain a travelling certificate, have his *permis de séjour* renewed each year, and when he departs receive a passport. The three groups covering all Chinamen are those paying eighty, sixty and seven *piastres* annually in taxes. Anyone found associated with a secret society not authorized by law is heavily punished by fine and imprisonment and then expelled.

In Tongking the situation has been complicated not only by a long conterminous Chinese frontier but also by a sentiment of disgust on the part of Frenchmen toward a country which has cost so much blood and treasure and proved apparently to be of so little worth. Legislation applying to this region, so far from profiting by the experience of Cochinchina, has been of the haphazard sort, and marked beside by an illogical feeling of disappointment which cannot be said to reflect credit upon a civilized nation. Immediately after the conquest a general tax was ordered (in 1885) to be levied on all Chinese alike. In December, 1886, after a protest from Peking, this distinction was made less invidious by applying the tax to all Asiatics whether resident or immigrant. The *carte de séjour* and relegation into categories were also adopted as administrative measures; but here four groups were constituted: those paying three hundred francs and more in taxes, those paying over sixty francs, those owning land, licensed laborers, employés, etc., and lastly common workmen. The yearly cost of the card was fixed at 300, 100, 25 and 10 frs. respectively according to category. But these terms did not suit the Celestial, who stopped coming, and here as elsewhere in this part of the world the European found himself practically helpless without the assistance of Chinamen in his plantations and mines, his boats and wagons, his shops and houses. The laws were again tinkered, the categories extended and amended through a long series of changes, the result of which has been to let down the bars almost entirely and allow the Chinaman to come in on his own terms. By applying for a permit from French consuls in the South China treaty ports he can now travel and traffic for two months in Tongking and Annam without any payment whatever;<sup>1</sup> while for those who choose to remain the categories have been so reduced as to rest very lightly upon the industrial and trading class.

Such treatment as the Chinese have thus far received from the French has not tended to remove difficulties or supplant ancient prejudices. Nor do the French colonists love them much better

<sup>1</sup> Decree of May 15, 1890.



than do other Europeans. Nevertheless the indefatigable Chinaman, who can thrive in a tropical jungle and work like an insect in the sun, is indispensable to French success in Indo-China. There may be some apprehension lest his success there leave no room for his French masters, but without him the Frenchman is as naught; he cannot even exist. The Chinese have already got the whole interior trade of CochinChina in their hands; more than this, they know as well as Europeans how to charter steamers, load them with manufactured articles in the West and bring them to Réunion, India, China, and elsewhere. It is said that during the first trying years of occupation, when the French had only very irregular and uncertain means of communication between CochinChina and the world beyond, the Chinese of Saigon maintained and profited by a regular courier service direct to Canton, where they learned the latest market quotations and easily distanced all their European commercial rivals.

The Dutch, who are to-day the oldest colonial masters remaining in the Indian Archipelago, have the reputation of being more disliked and feared by Asiatics than any other Europeans.<sup>1</sup> This is doubtless owing to the unyielding rigor of a rule which, based primarily on sheer greed of gain, held its monopoly for a century in these waters against all Europe and developed its plantations by means of slavery and forced labor solely for the interest of its own capitalists and stockholders. Alone among Europeans they have succeeded in training tropical islanders to steady labor. The natives of Java being completely under their control furnish an adequate supply of hands for their fields, so that here, at least, there is less economic need for the Chinese than elsewhere in this whole region. In Sumatra and Borneo, which the Dutch only partly and imperfectly control, the determined and often turbulent conduct of Chinese squatters threatening the annihilation of all native Malay authority, both races have accepted the over-lordship of Holland during the present century.<sup>2</sup> As is usually the case the Chinese are satisfied to let others rule—provided the rule is real—if they can live in peace and earn money.

Long ago an attempt was made with all the implacable determination of the Dutch to limit and repress Chinese immigration into Java. All manner of expedients were tried to annoy them, to throttle their business ventures and prohibit their landing. The

<sup>1</sup> Compare a journal written by Ong Tai Hai in 1790, *Chinese Miscellany*, Canton, 1849, p. 3.

<sup>2</sup> In 1818, Holland renewed the old rights of the Dutch in Borneo, where about 40,000 Chinese are now supposed to yield them nominal allegiance. The Dutch are still fighting for control of northern Sumatra.

climax was reached when in 1740 Governor Adrian Walkenier tried the good old-fashioned Spanish policy of Massacre. In opposition to his more sensible council he set the populace upon the wretched Chinamen who, taken unawares, defended themselves desperately, but were butchered and burned in their houses or hounded in the end like wild beasts in the jungle, until some ten thousand, it is supposed, perished. This service was so agreeable to the excitable Javanese that their masters, frightened at the awful blood-thirst their order had aroused, were compelled to call out the troops to reduce them to reason. To insure themselves against reprisals they built a number of new forts on the island, and the Chinese were made to live in *kampongs* or settlements by themselves. Though no longer persecuted there, the Chinese of Java are as unpopular as ever with the Dutch, obviously, it may be inferred, because they are less servile than the native islanders and also because their industrial competition is a serious menace to the Dutch monopoly.

The cardinal principle of control applied by Holland to these subjects in her colonies, that of government through intermediaries of their own race, was borrowed from their predecessors the Javanese sovereigns. This, and the invariable practice of keeping them well segregated in *kampongs* apart from the natives is about all the contrivance the Dutch use. It has the merit of simplicity, but it does not relieve the administration from very grave and constant fear of outbreaks between Chinese and Javanese. The problem is not satisfactorily solved. Though the last decree against their immigration was abrogated as useless and impracticable in 1837 the attempt to restrain their coming is maintained by requiring passports and imposing a heavy poll-tax and other dues upon them. But the Chinese are known to hate the Dutch and there is always apprehension lest they forget their customary calm and rebel. Yet they are necessary to the circulation of the wealth of the country, and as all acknowledge by this time there is no doing without them.<sup>1</sup>

Looking, now, to the British experience in managing Chinese in their colonies we shall find that they have been successful precisely in proportion as they have been liberal toward this people. Alone of all the Europeans they have not recoiled at contemplating a reservoir of hundreds of millions of this persistent and pro-

<sup>1</sup> Their number at present throughout all the Dutch Indies is roughly estimated at less than half a million, about half of whom live in Java and Madura; not a very formidable total when arrayed against a population of thirty-four million in all these islands; but in the affairs of men it is quality rather than quantity that counts.



creating race ready to flood into any country and fertilize the earth under any climate. In establishing their strategic posts in Further Asia the English needed workmen—traders to supply provisions, coolies to dig and to carry, compradors to clerk and translate, domestics to render life possible to the exotic colonial officer; if these were not forthcoming their stations were doomed to fail, for these were not localities where Europeans could settle and undergo physical fatigues.<sup>1</sup> The Chinese, as usual, were eager and willing to be employed, being attracted by the hope of protection and a chance of gain. They flocked into Singapore and Penang early in this century, as they did to Hong Kong in its middle decades, and as they are doing in Borneo and Burma at its end. In each colony the success from a commercial and administrative standpoint has been astonishing. Let us consider them one by one.

Hong Kong, the smallest but most flourishing British colony in the East, is perhaps the most suggestive for our study of the problem of the Chinaman under European control, and hence deserves attention first. Here, of course, there was no expectation of introducing more than enough Europeans to manage the territory and command its garrison. The Chinese were allowed to form the great bulk of the population and were governed and judged in accordance with their own and not English customs. They have been cautiously and ever so slowly warped into conformity with English law and forms of government, and the process is still going on; but perhaps the main cause of the British success here is due to the caution and liberality with which this race-amalgamation is conducted. It must not be supposed that the task has been altogether easy, even though greatly simplified by having her human experiment-station located as an island in England's element the sea. The natives who swarmed over from the opposite coast were not always of the kind wanted. Many of them indeed were the same sort of insurgents, highwaymen and river-thieves that have been more recently bothering the French in Tongking. They brought over their clan feuds, their passion for larceny and gambling and their generally deplorable morals; they had no conception of cleanliness or hygiene; they despised women, only using them for purposes of prostitution; and lastly they introduced their inevitable secret-society system, with its ramifications throughout all Eastern Asia and its debauching influence on the civic morality of its adherents.

Yet British patience and system overcame the difficulties in-

<sup>1</sup> Compare Professor H. Morse Stephens's account of the administrative systems in these colonies in this REVIEW for January, 1899, p. 246.



volved in managing such a welter of disorderly elements. In the first place they were not afraid. Serene in the consciousness of their ability to manage Asiatics, these Englishmen, unlike the Spanish, the French and the Dutch under somewhat similar circumstances, placed no restrictions upon the coming of all who would help them build up a settlement on an empty island. In the second place they were not too particular. Once in the colony they set the common people apart in a quarter by themselves, watching them closely as was necessary, but interfering as little as possible and avoiding needless irritation. This business of policing the community was one of considerable complexity. Chinese constables of course came cheap and were easily obtained, but they were apt to take bribes and become accomplices in crime. Sepoys from India cost more, but were more reliable than natives for such service, while they were hardier in a tropical climate than Europeans; they lacked tact, however, and failed to inspire the same respect as men of Caucasian race. Englishmen, on the other hand, were excessively costly and likely to succumb easily to the climate, while their ignorance of the language and the people rendered them almost useless in the Chinese quarter. Though no element was effective by itself to constitute a force, the combination of all three proved completely successful. A police service was organized which in 1860 contained 60 Europeans, mostly officers, 300 Indians, and 110 Chinese; thirty years later it had 100 Europeans and 200 Indians against 400 Chinese, the latter secured by a bond of \$50 each.

A stern insistence upon the perfect equality of all men before the law was a feature of British rule that not only earned general approval among the natives but flattered their national pride. It was an epoch in the life of a nation when the first white man was hanged for the murder of a Chinaman on British soil, and the lesson of that judgment has not yet been forgotten. Piracy, for centuries one of the chief activities on the waters of South China, has demanded constant attention there. It is still fearfully prevalent in the obscurer bights and channels of the Archipelago, but in the early days of both Singapore and Hong Kong it had reached the proportions of a profession which engaged all the more enterprising element in the sea-faring population and had become a menace to foreign trade. But the merciless pursuit of their countrymen, and often enough of the near friends and relatives of Chinese living at Hong Kong, did not arouse these colonists in the least. On the contrary they respected a power that knew how to make its rule felt on the side of law and order. For the Chinaman, whose god is gold, understands the excessive risks of its worship under

conditions of anarchy. He may not object to gains to be got by robbery, but he usually prefers legal to illegal means of earning his living, not for moral reasons but because it is in the long run more profitable.

The customs and prejudices of Chinese living under British control in Hong Kong are violated as little as possible. Their section is always crowded, their domestic habits often filthy and unwholesome, their women immoral. But unless these unpleasantnesses palpably threaten the public health they are ignored. The Chinese, however, who overflow into the better built "foreign" quarter have to conform to European usages. For the rest education must be left to accomplish the Herculean task of cleaning the Chinaman's habitation by purifying his mind and morals. Schools are opened there to the very humblest in the social scale and their influence and success are encouraging.<sup>1</sup> Nor are the English more jealous of the increase of wealth among the Chinese living there than of their increased intelligence. Here is a significant contrast: In 1876 the twenty largest taxpayers in Hong Kong included twelve Europeans paying \$62,523, and eight Chinese paying \$28,267; in 1881 the same group comprised only three Europeans against seventeen Chinese, the latter paying about \$100,000.<sup>2</sup> At present it would be safe, probably, to look for all the richest men in the colony among its Chinese residents. Nevertheless both they and the British know that it is the Englishman who brings and safeguards all this wealth. A community in Eastern Asia needs no fairer assurance of stability and content than such a conviction.

To understand British methods of dealing with the Chinese it is suggestive to examine some typical experiences in the government of Hong Kong. In 1844, when the infant colony was quite naturally alarmed at the influx of disorderly elements from the mainland, the governor tried to impose a poll-tax on all residents of the island alike; the action was thought to be too sudden and comprehensive and was withdrawn, after protests from the foreigners, in favor of a registration system applying only to the lower orders of Chinese. Among the acts of Sir John Bowring was one giving natives the privilege of owning British vessels and using the British flag on craft registered in the colony<sup>3</sup>—one of which happened to be the famous lorcha *Arrow*, the immediate cause of the second war be-

<sup>1</sup>E. J. Eitel, *Europe in China: The History of Hongkong*, 1895. In 1852 the colony, with 37,000 inhabitants, had 134 pupils in five schools. Within less than a half-century this has grown to some 6,800 pupils in 109 schools, besides 2,000 more who attend private establishments, out of a population reckoned at 250,000.

<sup>2</sup>J. Chailley-Bert, *The Colonization of Indo-China*, English transl., p. 85.

<sup>3</sup>Ordinances 4, 1855, and 9, 1856.



tween England and China. Another recognized Chinese wills, made in accordance with Chinese law and usage, in colonial courts.<sup>1</sup> Another established cemeteries, instead of allowing indiscriminate private burial.<sup>2</sup> Another organized control over Chinese living on the island through their recognized *Tipos*, or headmen, and also established a census bureau;<sup>3</sup> while another removed the old monopoly of the market for food-stuffs from the hands of two or three favored compradors.<sup>4</sup>

The so-called cadet-system, introduced by Sir Hercules Robinson in 1860 for the better government of the Chinese in the colony, had in view two chief things: first, that the natives should understand the governor's ordinances, second that the governor should understand the objections or desires of the Chinese. The first of these was fairly secured by having ordinances touching the Chinese translated and published in their language.<sup>5</sup> The next point involved the abandonment of Bowring's application of the Dutch system of control through native gild-leaders<sup>6</sup> and intrusting all Chinese matters to the registrar-general. But to be effective the governor was careful to appoint to this office only men who were both acquainted with the life and language of China and were also in full sympathy with the people. This difficult end was achieved by his somewhat famous cadet scheme, which provided the colony with a staff of civil-service young men, who were brought to Hong Kong to study the language and promoted when qualified to places in the department. From this trained and tried corps the registrar is now always chosen, and upon his personal qualifications and ability depend for the most part the peace and happiness of more than two hundred thousand individuals. Fifty years of these and other carefully conducted experiments have shown how readily the Chinese yield to and appreciate the benefits of an enlightened rule. But when asked to love the European for himself or to accept his philosophy of life, they steadily and persistently refuse. They show none of the blind fidelity of the negro, none of the almost chivalrous loyalty of the Sikh, nor of the admiration of the Japanese, when associated with the European. "On the Chinese side there is as yet," rather mournfully observes the historian of Hong Kong,

<sup>1</sup> Ord. 4, 1856.

<sup>2</sup> Ord. 12, 1856.

<sup>3</sup> Ord. 8, 1858.

<sup>4</sup> Ord. 9, 1858.

<sup>5</sup> A separate and complete issue of the *Hong Kong Government Gazette* is now published in Chinese.

<sup>6</sup> Ord. June 30, 1861. Substantially a return to Captain Elliot's original policy of 1841, with which the colony started.



"no desire to see the chasm that still separates Chinese and European life in this country bridged over."<sup>1</sup>

Though further removed from China the necessity of engaging the Chinese on their side impressed the founders of Singapore no less than those of Hong Kong, and here after a period of hesitation somewhat the same policy of supervision was devised as in the younger colony. As the key of the Malacca Straits established at the conclusion of the Napoleonic wars its questions of military defence were obviously most important in the beginning, but its permanent prosperity as a commercial station depended upon the way in which the Chinese made use of the opportunities offered to co-operate as individuals with the efforts and intention of the British. Those members of the colonial administration best fitted by their knowledge or special aptitude to deal with these people were put into a special department for the purpose, and at its head was an officer called the Protector of the Chinese. Here and in the other Straits Settlements the Chinese came into competition both with the Malay native and with the Hindu coolie; but the Chinese have proved themselves, both in the sugar plantations, at the mines and about the towns, to be in the long run cheaper than their competitors. They now constitute by far the largest element in the colony<sup>2</sup> and have practically monopolized the retail trade and provision business.

From accounts brought to them in the early days, of the formidable nature of Chinese secret societies, their riotous and unholy conclaves and their tendency to supplant legitimate government, the colonial authorities in the Straits were at first inclined to insist on their suppression. Fortunately it was felt, rather than formally concluded, that this was impracticable. Such a policy would inevitably have antagonized the whole Chinese population and probably have landed the English where the Spanish were at the end of their colonial career. There is always a better way of dealing with this extraordinary proclivity towards combination; by working in harmony with rather than against the racial instinct, by ordering the registration of all societies and only moving against the illegitimate, by using the societies as intermediaries and by rather ostentatiously engaging the good offices of their headmen, a great change for the better was effected.<sup>3</sup> The poor Chinaman who is not a member now

<sup>1</sup> E. J. Eitel, *Europe in China*, pp. v, 574. See also P. Leroy-Beaulieu, *Colonisation chez les Peuples Modernes*; H. Norman, *Peoples and Politics*; and Eitel's *Handbook to Hong Kong*, 1893. "The Ordinances of the Legislative Council of Hong Kong" were last published in the colony in quarto in 1890-1891, four volumes.

<sup>2</sup> About 235,000, against 214,000 Malays and 54 natives of India, Singapore, Penang, and Malacca.

<sup>3</sup> See J. D. Vaughan's *Manners and Customs of the Chinese of the Straits Settlements*, 1879; F. Ratzel, *Die chinesische Auswanderung*, pp. 198-219; G. Schlegel,

no longer fears to testify against a *hwui* nor to call upon the courts for protection when one of them tries to harass or rob him. On the whole, considering that he is bound to come, that he is determined to live in his own fashion, that he is indispensable to the material success of these centres of international trade, and that he is callous and unimaginative to a degree unknown in other races, the Chinaman has been admirably managed, though it must be confessed he has not been mastered, by the Englishman in his colonies of the further East.

In North Borneo the protectorate may be seen passing through certain of the phases which marked the early years of Penang and Singapore. Here and in Raja Brooke's dominion of Sarawak the Chinese are for the most part either pirates or the descendants of pirates, and the old hostility between them and the truculent Malays is apt to break out at times in bloody frays.<sup>1</sup> The Chinese accumulate in towns as soon as these are founded and strengthen and develop them by stimulating financial enterprises which would fail without their aid; but the English appear to distrust them here rather more than they do elsewhere, and under the influence of this solicitude they have been rather less successful with them in these than in their other colonies.

In Burma, on the contrary, where the cultivation, mining, building and commerce of the country have long been in either Parsi or Chinese hands, the Celestial is a welcome assistant to the British administrator. Unhappily here as everywhere on the border of southern China those who flock across the frontier show a disposition to go marauding through the loosely settled districts; but in this region they presently marry native girls—treating them much better than do Shan and Burmese husbands—and eventually remain to multiply and implant their characteristic institutions. The situation in Upper Burma after the British absorption in 1885 was in many respects peculiar. The region had long been harried by roving dakoits, the result of King Theebaw's misrule, and this afforded Chinese filibusters tempting opportunities which were not altogether neglected. Their numerical preponderance in Bhamo had years before converted the town into a Chinese stronghold and *point d'appui* for further aggressions, while the nearness of their own

*Thian ti hwui*, Batavia, 1866; and the present writer's paper on "Chinese and Medieval Gilds" in the *Yale Review* for August and November, 1892. The chief danger to the peace of the colony from the Chinese now lies in the ancient rivalries between immigrants from Fuhkien and Kwangtung provinces, which seem to breed a hate that never dies. Sometimes these clan fights are little civil wars.

<sup>1</sup> G. Schlegel, *Les Kongsis Chinoises à Bornéo*, in the *Revue Coloniale Internationale*, Leyden, September, 1885.



borders, across which they could always retire for refuge and assistance, rendered their pursuit and punishment extremely difficult. These conditions, combined with the physical obstacles presented by jungle-clad mountains and trackless wildernesses, made the task of introducing order very trying. But after some ill-advised severity, the result of inexperience, the Chief Commissioner adopted a policy of not only conciliating but frankly welcoming the Chinese. Instead of showing fear he encouraged them to come in and settle. The whole Irrawaddy valley is now practically theirs to occupy and exploit at will. The certainty of very profitable harvests and likely ventures is already bringing over a better class of immigrants from China, who will not tolerate the turbulence of the old set. So by engaging the Chinese as their partners in a complicated bit of colonial exploitation the British have, while purposely surrendering a valuable region to those best able to exploit it, secured the warm and enthusiastic approval of a people who will strengthen and enrich the empire and will, if only for their own selfish ends, stoutly resist the encroachments of any foreign power desirous of military occupation and consequently of interfering in their prosperity.<sup>1</sup>

To sum up: it is evident that we have a very different phase of Chinese immigration in the East from that which presents itself in the sparsely populated regions of the temperate zones where white men can both work and dwell. In Indo-China and the Archipelago it is palpably impossible to keep the Chinese altogether out, and it is as obviously madness to attempt to do so if the rulers of colonies there desire to check anarchy and render their possessions profitable. Unwelcomed and unloved though they may be by all races alike, we cannot deny them qualities which make for permanence and material success. Their unpopularity may in some degree be attributed to their virtues, which by carrying them triumphantly through the competition of modern industrial life incur the lasting enmity of their rivals who are left behind. It is this dislike rather than ineradicable aloofness on their part which makes it convenient or necessary to segregate them in quarters by themselves when dwelling abroad. If treated fairly they assist rather than thwart the work of municipal administration by setting the machinery of their social organizations to act in its defence. To the charge that these societies are a menace to governments under which they exist obscurely, it may properly be asked whether there is any known instance of their subverting a government that had proved itself fit to

<sup>1</sup> Compare Dillke's *Problems of Greater Britain*, p. 461; J. Chailley-Bert, *Colonization of Indo-China*, Part 2; Isabelle Massieu, *Une Colonie Anglaise*, in the *Revue des Deux Mondes*, Septembre 15, 1899.



rule. The fact is that while the most democratic people in the world in their social and commercial relations, the Chinese are by temperament believers in absolute monarchy, and are for the most part indifferent to affairs of state and politics provided these are so conducted as to leave them in peace.

From the standpoint of the colonial governor it is eminently necessary to watch the character and quantity of the Chinese tide, and to check the tendency of this people to manipulate things for their own particular ends. If allowed, the Chinese will overwhelm and efface the European, as is the case in Portuguese Macao; yet if too severely repressed, as in the Philippines and Tongking, the result economically speaking is almost as disastrous, for the colony ceases to thrive and dies eventually of inanition. It is to us active and eager Westerners a strange compound of passiveness and courage, despicable at first view, but afterwards found to be invincible. As the Prophet Isaiah declared of the ancient Egyptians, "Their strength is to sit still."

FREDERICK WELLS WILLIAMS.

## DOCUMENTS

*"A Memorandum of M. Austin's Journey from the Lead Mines in the County of Wythe in the State of Virginia to the Lead Mines in the Province of Louisiana West of the Mississippi," 1796-1797.*

THE journal of Moses Austin given below is published through the courtesy of his grandson, Colonel Guy M. Bryan, of Austin, Texas. The original is among the Austin papers now in possession of Colonel Bryan, which include a large mass of highly valuable material relative to both Moses Austin and his son Stephen, and especially to the Anglo-American colonization of Texas. The journal may be appropriately introduced by the following sketch,<sup>1</sup> which was written by Stephen F. Austin for the information of his younger brother, J. E. B., or Brown, Austin :

"The idea of settling North Americans in Texas originated with my father, Moses Austin.

"My father was a native of Durham, Connecticut, and was regularly educated a merchant. He was a partner of the importing house of Stephen Austin and Co., in Philadelphia, and married Miss Maria Brown in that city, a native of Morris County, New Jersey, shortly after which a branch of the mercantile house was established in Richmond, Virginia, under the firm name of Moses Austin and Co., and my father settled in that city.

"Some years afterwards, the company purchased the lead-mines in Wythe County, Virginia, on New River, known as 'Chisel Mines,' to which place he removed and conducted the mining and manufacturing of lead on an extensive scale.

"He was the first who brought to this country English miners and manufacturers of lead, and he established the first manufactory of shot and sheet lead in the United States, at Richmond, and the mines on New River, Virginia.

"A brother of my father, Elijah Austin, was well known to the mercantile community of New York and New Haven as being the first who ever fitted out a ship for a sealing voyage to the northwest coast of America, and from there to India, by which means a source of commerce was opened that has since been greatly extended.

<sup>1</sup> *A Comprehensive History of Texas*, edited by Dudley G. Wooten and published by William G. Scarff, Dallas, I. 440-444.

"My uncle fitted out Captain Green, who made the first trip of this kind that was ever undertaken.

"In 1796, my father, finding the mines on New River less productive than he had expected, and having accidentally met with a person who had been in the mining district to the west of Saint Genevieve, west of the Mississippi River, in Upper Louisiana, and who gave a favorable account of the prospects in that country, determined to visit it. After much difficulty, he obtained the necessary passports from the Spanish minister, as at that time the Spanish possessions extended to the Pacific Ocean, and were closed to the admission of foreigners.

"During the winter of 1796 and 1797 he explored Upper Louisiana, and with his whole company nearly perished in the wilderness between Vincennes and St. Louis. At that time Vincennes was the only settlement between Louisville and St. Louis. He obtained a grant for one league of land embracing the lead-mines of 'Mine A. Burton,' and in 1798 removed his family from Virginia to his new grant.

"'Mine A. Burton' is forty miles west of St. Genevieve, and at the time my father moved there was uninhabited.

"Parties of miners spent the summer there digging for ore, and packed in the lead on horses to St. Genevieve; but there had never been a single family who ventured to spend a winter, as the Osage Indians were hostile, and had succeeded in confining the French population to the town of St. Genevieve. In fact, at that time the settlements in Upper Louisiana were confined exclusively to the villages of New Madrid, Cape Girardeau, St. Genevieve, Carondelet, and St. Louis, on the banks of the Mississippi, and to St. Charles on the banks of the Missouri.

"The first family who settled permanently at 'Mine A. Burton,' and in what is now called Washington County, in the State of Missouri, was that of Elias Bates, a nephew of my father, who moved there from St. Genevieve in the fall of 1799. The following spring, my father and several who followed him from Virginia removed, and during the summer he collected around him a sufficient force of Americans to make a permanent stand against the Osages and other hostile Indians.

"They were, however, greatly exposed, and in 1802 the village of 'Mine A. Burton' was attacked by a large party of Indians, their chief object being to plunder my father's house and store, and to kill the Americans, or Bostonians, as they called them. He had, however, taken the precaution to provide himself, in addition to other arms, with a three-pounder, and being fully prepared for a defence, the Indians failed in their efforts and were driven back.

"My father's house formed a kind of nucleus for the Americans who had found their way over the Mississippi, and a considerable village was formed, so that in 1803, when Louisiana passed to the United States, the country about 'Mine A. Burton' had begun to settle. And it was thus that the first settlement in Washington County, Missouri, the extension



of mining, the erection of regular smelting-furnaces, mills, etc., owe their origin to the enterprise and perseverance of my father.<sup>1</sup>

"Considering that when he first visited Upper Louisiana in 1797 the country from Louisville to the Mississippi, now composing the States of Indiana and Illinois, was a total wilderness, with the exception of Vincennes, on the Wabash, and Kaskaskia, and a few French settlements in the Mississippi bottoms opposite St. Louis and St. Genevieve; that he moved by a new and almost unexplored route down the Kanawha River in large flat-boats, a thing which never before had been attempted from the point where he embarked; the mountainous and wilderness country through which he had to pass between Austinville and that point; the thinly populated situation of the western portion of Virginia and the States of Kentucky and Ohio; and to this add the immeasurable distance which it was then thought separated Louisiana from the settled portion of the United States, and the universal prejudice which existed against the Spanish government; the long and tedious trip by flat-boats down the Kanawha and Ohio Rivers, and up the Mississippi to St. Genevieve, and the hostile condition of the Indians, and I think it will be readily conceded that my father is justly entitled to high credit for his enterprise in having even conceived the idea of moving his own and many other families from the interior of Virginia to so remote a country. His success affords a proof of his judgment and perseverance.

"After Louisiana passed to the United States my father's characteristic enterprise and activity were soon apparent in the advancement of improvements, both of an individual and public nature, as the old settlers of 'Mine A. Burton' will abundantly testify. He acquired a considerable fortune; his standing was always high as a valuable and honorable member of the community.

"His family consisted of three children,—Stephen Fuller, the eldest, born at Austinville, Virginia, November 3, 1793; James Elijah Brown, the youngest, born at 'Mine A. Burton' (Potosi), 1803; and Emily Margaret Brown, born June 22, 1795, at Austinville, Virginia, who married James Bryan, was left a widow, and afterwards married James F. Perry.

"My father was a principal stockholder in the Bank of St. Louis, and may be said to have been its founder. In 1817 and 1818 that institution fell into the net of Kentucky speculators and was broken. My father was one of the chief sufferers by their manipulations; he and his family were pecuniarily ruined.

"In 1819, he proposed to me the idea of forming a colony in Texas. The treaty of De Onis had been brought to a conclusion, and the right of Spain to Texas appeared unquestionable, and grants from the Spanish authorities would therefore be valid. The project was discussed by us in Durham Hall at 'Mine A. Burton' for several days, and adopted.

<sup>1</sup>Schoolcraft, in his *Thirty Years with the Indian Tribes*, pp. 32-33, gives an account of a meeting which he had with Austin at Herculaneum, Mo., in the summer of 1818, and in *A View of the Lead Mines of Missouri*, etc., published soon after, he gives a description of the mining operations in the district where Austin was then located.

"In April, 1819, to facilitate us in our Texas colonization project, I started from Missouri to Arkansas, and commenced a small farm at Long Prairie, on Red River. The years 1819 and 1820 I principally spent in Arkansas, and I located a New Madrid claim<sup>1</sup> at Little Rock, the site where the seat of government of that Territory is now fixed. I was also appointed by Governor Miller one of the circuit judges of Arkansas.

"In the fall of 1820, my father came on from Missouri, and proceeded to visit the Spanish authorities of Texas at Bexar (San Antonio), the capital, and I went to New Orleans to make such arrangements as circumstances might require or permit.

"My father, after a fatiguing journey on horseback of more than eight hundred miles, through a totally unsettled and wilderness country, reached Bexar in November; his reception by the governor was discouraging. Antonio Martinez, the governor of Texas, was a European Spaniard by birth. He had received rigid instructions from Arredondo, the commandant-general, not to permit foreigners, and particularly North Americans, to enter Texas. He was not on good terms with Arredondo, therefore particularly cautious, not desiring to expose himself to the vengeance of his personal enemy.

"At the first interview my father received a most peremptory order to leave Texas immediately; he endeavored to palliate and give a favorable turn to matters by entering into a genial conversation with the governor in French, which they both understood, but his efforts were fruitless; the governor even refused to read the papers my father presented as evidence of his having formerly been a Spanish subject in Louisiana, and repeated his order, with much asperity and some passion, to leave Texas immediately.

"There was no alternative, and he left the government house to prepare for retracing his course through the wilderness to Natchitoches.

"In crossing the public square, he accidentally met the Baron de Bastrop. They had seen each other once before in the United States, having met at a tavern when travelling, many years previous. He invited my father to his room, where he lived in great poverty, but his influence with the government was considerable, and very great with the inhabitants of Bexar, who loved him for the universal benevolence of his disposition. He was a man of education, talents, and experience, and thoroughly initiated into all the mysteries of the government house.

"The object of my father's visit to the capital of Texas was explained, his papers examined, and the project of a new colony talked of; the difficulties he would have to overcome were stated and answered, and the advantages to result from it were enlarged upon; they discussed it in all its phases. The benefits which would result from the contemplated colony were apparent to him at first view.

"My father was unwell from the fatigue and exposure of his trip, and

<sup>1</sup>The "New Madrid" certificates were issued by the federal government under the Act of February 17, 1815, to those who suffered by the earthquake at New Madrid. See *United States Statutes at Large*, III. 211-212.



the baron reported him to the governor as being too sick to travel without endangering his life, and a suspension of the order for his immediate departure was obtained.

"At the end of a week the governor and *ayuntamiento* of Bexar united in recommending a petition from my father to the '*Ex'mo deputation Provincial de las Provincias internales orientales*,' at Monterey, asking for permission to introduce and settle three hundred families from the United States of America at any point in Texas which my father might select.

"The entering wedge was thus placed for opening a legal passage for North American immigrants into Texas, but it required inflexible perseverance, and years of toil and labor, to drive it forward.

"A mere accident had prevented the total failure of the first preliminary step. The absence of the Baron de Bastrop, his ignorance of my father's character and standing, or his indifference as to the success or failure of the scheme, would have defeated the whole project; for when my father met him in the square, on leaving the government house, he was determined to quit the place in an hour, being much disgusted and irritated at his reception by the governor.

"My father left Bexar previous to the confirmation of the grant, and after a tedious and distressing journey reached the settlements on the Sabine River. His provisions having failed, and the powder he had provided himself with being so damaged that he could kill none of the game with which the country abounded, he was compelled to travel the last eight days of his return with no other nourishment save the roots and acorns he could gather in the woods.

"The hardships and privations of his return, in the midst of winter, were so severe that he was taken with the fever, and confined to his bed for three weeks at the house of Mr. Hugh McGuffin, on the east side of the Sabine River. There he was met by his nephew, Elias Bates, who left Herculaneum, Missouri, some time in December in search of him, and as soon as he could travel he started with Bates for Natchitoches, where he arrived in January, 1821, very unwell and greatly afflicted with a pain in his breast, caused from a severe cold he had contracted during his trip of exposure and privation. He was fifty-six years of age, but his constitution, naturally good, had begun to yield to time, fatigue, and misfortune.

"He returned to Missouri by water, and had the happiness of being once more in the bosom of his family, now reduced to my mother and my sister Emily, my brother James being still in Kentucky at school, and I at New Orleans. My father never recovered from the exposures and privations of his return from Bexar, through Texas, and the cold he then contracted changed into pneumonia, and he died at the house of his son-in-law, James Bryan, in Missouri, June 10, 1821, in the fifty-seventh year of his age."

In preparing the copy of the journal for publication the original has been closely followed, except in one or two small matters



of punctuation. Thus, periods have been inserted at the end of sentences. The diarist's practice is frequently to omit them; to follow this exactly would make the text unnecessarily hard to read. The title used is that formulated by Moses Austin himself. The journal is a small paper book of thirty-eight leaves, about seven inches long and four and a half inches wide.

GEORGE P. GARRISON.

THE JOURNAL.

On the 8. day of Decemb<sup>r</sup> 1796 in the Evening I left Austin Ville on Hors Back takeing Jos. Bell as an assistant and a Mule to Pack my baggage and that night went to Mr. James Campbells who on the morning of the 9 started with me for Kentuckey. Nothing of note took place from Mr Campbells to Cap<sup>t</sup> Craggs where we arrived on the 11th at Eve furnishing ourselves with Blankets &c at Abington as we pass.d. the Morning of the 12 I left Cap<sup>t</sup> Cragg, in Companey with a Mr Wills from Richmond bound to Nashvill in the State of Tennessee. that night I arriv.d at the Block Hous, so Call.d from being some years past us.d as such but at this time in the hands of Colo Anderson, at whose Hous, it was Expected good accomedations, could be had, more so in Consiquence of his being a friend of Mr Campbells. however, it was with great Trouble, that he admitted us under his Roof, or would allow us any thing for our Horses and Mules. Colo Andersons is 36 Miles from Cap<sup>t</sup> Craggs, which, I left by Day light, takeing the road Through Powells Valle. at this place I parted with Mr Wills who took the road for Cumberland Which fork.d at this place. the road being Bad and the weather uncommonly Cold, I found it was with hard Traveling that we reach.d the foot of Wallons ridge that Night. from Andersons, to Benedict Yancy's is 34 Miles and an uncommon Mount<sup>d</sup> road. Fifteen Miles from the Block Hous is Clync mountain and the river of the same name. I the same Day pass.d a number of Mountains and ridges, the most considerable of which are Copper Creek Powells and Wallons, as also several large Creeks and Powells River. Mr Yancys is the enterence into Powells Valley. a Wagon road has lately been Open.d into, and Down the Valley, and Notwithstanding great panes and Expence, the passage is so bad that at maney of the mountains the waggoners are oblig.d to lock all the wheels and make fast a Trunk of Tree Forty feet long to the back of the waggon to prevent it from Pressing on the Horses. in this manner many waggons have pass.d on to Kentuckey. It was late in the Evening of the 13<sup>th</sup> that I arriv.d at the Hous of this Mr Yancys, and the badness of the weather, had made Me Determin, not to go any Further, being then 8 OClock and snowing fast, however I found it was not so Easy a matter to bring the old Man and Woman to think as I did; For when I demand.d or rather request.d leave to stay, they absolutely refus.d me, saying, that we could go to a Hous six miles Down the Val-

ley. Finding moderate words would not answer I plainly told Mr Yancy that I should not go any further, and that stay I would. Old Mrs Yancy had much to say about the liberties some Men take, and I replied by observing the Humanity of Others, and so end.d our dispute. our Horse was strip.d and some Corn and Fodder obtain.d. we soon Found ways and means to make the rough ways smooth, and takeing out our Provision Bag made a good supper, after which placing our Blanketts on the Floor with our feet to the fire I sleep.d well. The 14 we start.d from Mr Yancys and the Day being bad with snow and rain, we stop.d at a Mr Ewings five miles Below Lee Court Hous and Ten from Mr Yancys. at Mr Ewing we reced the 'welcome' of Mr and Mrs Ewing at whos Hous we staid, untill the morning of the 15, when after being furnish.d with Every thing we wanted and a Good Piece of Beef to take with us, we took leave of Mr and Mrs Ewing and family and that Night about Sun down Arriv.d at Cumberland Mountain. about  $\frac{1}{2}$  a Mile before you pass this mountain you come into the road from Hawkins Courtt Hous and Knox Vill, which is said to be the Best road. after passing the Mountain which we did this Night, we stop.d a[t] Mrs. Davis's who keeps Tavern Down the mountain, and met with very good accomeda-tions. Powells Vally has lately been made a County by the name of Lee, takeing all the Country from Washington County to the Kentucky line. The Court Hous is About Thirty miles up the Vally from the pass of Cumberland mountain at which place is a Small Town of Six or Ten Houses and Two Stores. Powells Vally is, I am inform.d about six miles Broad and 60 in length. its good land but so Inclose.d with Mount<sup>ns</sup> that it will be always Difficult to Enter with waggons. When the Vally becomes well improv.d it will be an Agreeable place but at this time its thinly settled and Small farms. On the 16<sup>th</sup> by Day light our Horses being ready we took our leave of Mrs Davis, who I must take the liberty to say may be Justly call Cap<sup>n</sup> Molly of Cumberland Moun-tain, for she Fully Commands this passage to the New World. She soon took the freedom to tell me she was a Come by chance her mother she knew little of and her Father less. as to herself she said pleasure was the onely thing she had in View; and that She had her Ideas of life and its injoyments &c &c. a Mr Hay from Knox Ville Joined us this Day. the weather still continued Cold and the road which had been much broak up was now hard frozen. however we arrived by Dark at Ballingers Tavern 37 miles from Cumberland Mount<sup>n</sup>. at this place I meet with a number of Gentl<sup>ms</sup> from Kentucky and a Doc<sup>t</sup> Rosse from the Illi-nois with whome I had much conversation respecting that Country. our Horses suffer.d this Night being Oblig.d to make them fast to a Tree and feed them on Cane, but the Accomeda-tions for ourselves was good Con-sidering the Newness of the place. the 17 leaving Ballingers we Travel.d that Day over an unpleasant road passing several large waters and Cum-berland River. we came at Night to a small Hutt on Little Rock Castle 30 miles from Richland or Ballingers. at this Place our Accomeda-tions was abominable bad. the hous was about 12 feet square and the Night

which was distressingly Cold oblig.d all that was stop.d at the Place to take shelter in the Hutt, in all women and Children includ.d 17 in Number,—nor can a more filthy place be imagin.d. this Night our Horses Suffer.d much. a few Oats was all that the place afford.d. after takeing a supper from our Provision Bagg we took some rest on our Blanketts and at Day light, started on our Journey and in the Evening arriv.d at the Crab Orchard<sup>1</sup> and took up our quarters at a Mr Davis, 23 Miles from Rock Castle, makeing in all 90 miles from Cumberland Mountain to the Crab Orchard.

The Crab Orchard, has long been a place of Note and it being the grand Gateway into Kentucky I expected to have found a Hous of Entertainment at which a Traveller could have recrutaed himself, but I was disappointed. the accomedations at Davis.s is bad and nothing agreeable in or about the place. The Country from Cumberland Mountn to Langfords which is Ten Miles before you come to the Crab Orchard, and which is know[n] by the Wilderness,<sup>2</sup> is a Disagreeable broken Mount<sup>3</sup> Country but some good lands, and will be in time Sufficiently settled to furnish Travellers, but can Never be a desireable Country. Its now settled with 18 families, who are but a remove from Indians in their manners or moreals. Much Work with many Bridgs may make a good road, but its not to be expected for many years altho the road has been lately opend for waggons and much work don on it much more must be don to make it Tolerable. on the 16 between Cumberland Mount<sup>3</sup> and Ballangers I pass.d Cap<sup>t</sup> Sparks with a Company of United States Troops from Fort Detroit on his way to Knox Ville About 100 in all. the Troops made a good apperence, was well Cloth.d. and good-looking men. I cannot omitt Noticeing the many Distress.d families I pass.d in the Wilderness nor can any thing be more distressing to a man of feeling than to see woman and Children in the Month of Decemb<sup>r</sup> Travelling a Wilderness Through Ice and Snow passing large rivers and Creeks with out Shoe or Stocking, and barely as maney raggs as covers their Nakedness, with out money or provisions except what the Wilderness affords, the Situation of such can better be Imagined then discribed. to say they are poor is but faintly express'g there Situation,<sup>3</sup>—life *What is it, Or What can it give*, to make Compensation for such accumulated Misery. Ask these Pilgrims what they expect when they git to Kentuckey the Answer is Land. have you any. No, but I expect I can git it. have you any thing to pay for land, No. did you Ever see the Country. No but Every Body says its good land. can any thing be more Absurd than the Conduct of man, here is hundreds Travelling hundreds of Miles, they Know not for what Nor Whither, except its to Kentucky, passing land almost as

<sup>1</sup> Roosevelt, *Winning of the West*, I. 311 and note. The account to which reference is made follows the MS. autobiography of Rev. William Hickman in the library of Colonel Reuben T. Durrett, of Louisville, Ky.

<sup>2</sup> Austin was travelling by the "Wilderness Road." *Winning of the West*, I. 313-314, and note I, p. 314. The road is shown on the map at the end of Vol. I.

<sup>3</sup> Cf. *Winning of the West*, I. 314-316.



good and easy obtain.d, the Proprietors of which would gladly give on any terms, but it will not do its not Kentuckey its not the Promis.d land its not the goodly inheratence the Land of Milk and Honey. and when arriv.d at this Heaven in Idea what do they find? a goodly land I will allow but to them forbidden Land. exausted and worn down with distress and disappointment they are at last Oblig.d to become hewers of wood and Drawers of water.

19 I arrived in companey with Mr James Campbell at Mr C. Campbells 12 Miles from the Crab Orchard who reced us Kindly, and at whose Hous I stade untill the 20th the Weather beeing so Cold as to render it almost impossible to Travel. Mr Hay part [ed] with me this Day takeing the road for Lexington and Jos. Bell went to a little Town Call.d Stanford.

21 I took leave of Mr C. Campbell and famely to whome I am much indebted for there politeness and about Twelve arriv.d at the Town of Stanford where I meet with a Number of the former inhabitants of New River and that Night stay.d with a Mr Nath<sup>a</sup> Forbus. The Town of Stanford is the County Town of Lincorn and it beeing Court Day I had an oppertunity of seeing a Number of Gentl<sup>m</sup> and Isaac Shelby late Gov<sup>r</sup> to whome I had letters. little can be said in favour of the Town of Stanford. it Contins about 20 Hous of Loggs excep a Brick and Stone Hous, has Three small Stores a Tan Yard and Four Taverns. the Land in and about the Town is good and some large improvements.

22. I arriv.d about 12 O Clock at the seet of Isaac Shelby, Esq<sup>r</sup> with whome I dined and from whome I reciv.d letters to M<sup>r</sup> Argotee at Frankford and that night reach.d the Town of Danvill. Gov<sup>r</sup> Shelby has a large and well improv.d farm a plain but neet Stone Hous and is said to be a man of Great Welth. the Town of Danvill is 12 Miles from Stanford but 20 the way I went. I stay.d at a Mr Smyths Tavern and on the Morning I left Danvill for Harrodsburg, 13 Miles from Danvill at which place I arriv.d on the same Day at 12 OClock. Danvill is a well laid out place and the streets are Broad crossing each Other at right angles Situated on a level spot of ground, but badly Built Contaning about 36 Houses the most of which are loggs. the lands Near Danvill are good and when well improv.d will be an agreeable Country. I found the 23[d] so Cold that I Concluded to stay the remander of the Day a[t] Harrodsburg and on the 24. leaveing Harrodsburg I arriv.d at Frankford that Evening being 31 Miles. Harrodsburg is a small place said to be the oldest place in the State is Elevated something above the surrounding Country and there beeing a large quantity of Land Clear.d appeard more pleasent then any place I see in the State. the Houses are about 20 in Number and Mostly of Stone. the Court Hous is of Stone and a good building.<sup>1</sup> Harrodsburg is the County Town of Murcer. the Country from Danvill to Frankford is level but Not good Land as I expected. Frankford is the Seet of Government and is Situated on the Kentuckey River which at this place is about 160 Yards over. the Town stands on a flat spott of ground and has

<sup>1</sup> Cf. *Winning of the West*, I. 311, following Hickman's autobiography.

some good Buildings. the State Hous is a good Convenient Hous but not Elegant the Other Publick Buildings are not worth Notice. the Town Contains about 60 Houses in all Eight of which are Brick and Stone. Whicker keeps the best Tavern and the accomedations are good.

The situation of Frankford cannot be call.d pleaseing it beeing incircled with high nobs and Hills at Every point. its the County Town of Frankling. Mr. Argotee beeing from home I had to wate his return and on the 27 I finish.d my business with him takeing letters to Monsieur Zeno Trudeau Commandant of St. Louis in the province of Louisiana. passing the Kentuckey river on the Iice I took the road for Louis Ville at which place I arriv.d on the Evening of the 28. the Night of the 27 I lodg.d at a small Town called Shelby which place I shall always remember, from the uncommon behavior of the LandLady Mrs. C——. the Town of Shelby is small and like all the Towns in Kentuckey badly built. about 20 Houses and Two Stores. the Land from Shelby to the Ohio is not of the Best nor is the Country as well Settled as I expect.d. in short it may be call.d a Wilderness. From Frankford to the Town of LouisVille is 52 Mile and the Country uncommonly level. The Ohio is a Noble River and its almost impossible to bring yourself to beleave You are so far from the *Atlantic*. Louis Ville is the County Town of Jefferson is situated immediately on Banks of the Ohio. the situation is beautiful and I think this place may in time be of Consequence altho its now an inconsiderable V[i]llage. Louis Ville has about 30 Houses but there is not an Elegant Hous in the place. the Court Hous is of Stone and built with some Taste. at this place I see a Number of Indians from the Nations over the Ohio, Piankishas Delawares and Wyatenas. Notwithstanding Louis Ville is the landing place of all Boats that Come Down the Ohio and Bound to any place below the Falls in consequence of which there is a great resort of Companey yit there is Not a Tavern in the place that deserves a better name than that of Grog Shop. Louis Ville by nature is beautifull but the handy work of Man has insted of improving destroy.d the works of Nature and made it a detestable place.<sup>1</sup>

29 I pass.d the Ohio this Day, below the Falls which are about Two Miles in lighth but not bad. The Ohio beeing frozen I could have pass.d on the Ice but there beeing an opening about half a Crost the river at the Common pass way I made half my passag on the Ice and the remander in a Boat and that Night put up at Clerks Ville on the N West Side of the river ready to take the Wilderness the Next Morning.

Clerks Ville<sup>2</sup> is a poor place hardly Deserving Notice consisting of Six Cabbins and One Logg Hous with a Stone chimney. its 3 Miles from Louis Ville. up the Ohio from Clerks Ville is a small Fort Command.d by Lieu<sup>t</sup> Webster with 45 or 50 men.

30<sup>th</sup> at Day light I made myself ready to take the Trace to Post St. Vincennes, but unfortunate for me a Very heavy snow fell in the night

<sup>1</sup> Cf. *Winning of the West*, II. 39-40, note, summarized from "Papers relating to Louisville, Ky.," in the Durrett MSS. ; and III. 16.

<sup>2</sup> For Clarksville, see this REVIEW, II. 691.—ED.



which had so obscured the Trace that not a foot Step could be seen. thus Situated I was at a stand, but beeing informed that the Trees had been mark.d, by keeping of which I could finde the way, with this information I left the Ohio and that Evening arriv.d safe at Blue river 30 Miles from Clerks Ville on the banks of which I found an Indian Camp of Wyandots fifteen in Number with an Old Cheef. I Staid the Night and was Treat.d with great Politeness and friendship. the Cheef ordered a Squah to Dress my supper, which she did in a short time nor do I remember to have ever eaten a better Dish of Veneson and *Bare Stake*, at Day light he ordered his Squah to do the same, and after takeing my Brakefast I took leave of the friendly Wyandots presenting to the Two Squahs that had attend me each a String of Beeds.

31<sup>th</sup> I arriv.d at Night at a Camp said to be 36 Miles from Blue river which had been made use of the Night before by a Company of men which I pass.d in the Day from St Vincennes bound to Kentuckey. this Day I come up and meet with a number of Hunting Indians all of which were friendly. the Snow beeing deep and the weather Cold I did not sleep so well as I could have wished and by times I started on my road determined that Night to reach Vincennes but after a hard Days ride I late at Night arriv.d at Mr Harvis 5 miles from Vincennes where I found good quarters.

The Country from the Ohio to Vincennes is in general good and will afford Valuable settlement and is Well water.d. the Onely River at which a Traveller is subject to meet with Delay or difficulty in passing, is Blue river which in the spring is commonly high. At White River there is a good Boat at which you may pass at any time or on the Ice which was the way I pass.d all the waters from the Ohio to Vincennes. the severity of the winter had mad[e] all the rivers passable on the Ice. White River is a delightfull River and navigable for Boats Most parts of the Year 150 miles up. its about 260 Yards wide where I pass.d it and I was told the Currant is moderate and the Navegation as easy as any River in the Western World. this River may be Forded in summer At the Delaware Village about a Mile and half above the road but its attended with great Danger the whole of the River from side to side beeing a quick sand, and I was told by a Number of Gentl.<sup>en</sup> that sundry Horses was lost last Summer in attempting the forde by those unacquainted with It. the Indian Village Just mention.d I was inform.d contained about 20 famelies which have return.d to it with in the last Year after an absence of Ten Years.

1<sup>th</sup> January, 1797 on Monday I arriv.d at the Town of St Vincennes which I found to be much larger then I had an Idea of, the situation is quite Charming nor can fancy paint a more desireable Spot.

From Harvies to Vincennes five Miles is an Open Champaign Country and Extremely fertile interspersed with Island of Trees and plains or prairies quite to the banks of the Wabash. Two Miles from the Town are Two Mounts which over look the Country for some Miles as also the Town and river. these Mounts arrise in the middle of a large plain



and are said to be Indian burial Grounds. however I cannot suppose this to be True unless the World has been in being much longer than some pretend to say and the destruction of the Human family greater than we have any Account of in this part of the world. however I was told by a Gentl<sup>l</sup> in Vincennes that he had taken Human bones from Out of the mounts and that he discover.d many more in the Ground. I suppose each of the mounts to be at least half a mile in Circumference and from the common level of the plain to the summit, 60 feet. they are now well sett with grass and have every appearance of the works of nature and not of art. Vincennes may Contain 200 Houses in all but they are small and generally One story and badly finished. the Streets are Narrow and Verry irregular. at this time not more then  $\frac{3}{4}$  of the Houses are inhabited.<sup>1</sup> the inhabitation since the Treaty Made by General *Wayn*<sup>2</sup> are gon onto there farms. this place is said to have been settled in or a bout the Year 1726<sup>3</sup> and has undergone many Changes since that time but was always a place of Considerable Tread and wealth untill General Clark took possession of it in the Year 1778 for the United States, from which time untill within the last 18 month it has been on the decline.<sup>4</sup> Vincennes is settled with French from the Towns on the Missisipi and Canada and after the Town came into the hand of the United States many of the Most respectable and Wealthy families left the place and Either went to Detroit or the Spanish side of the Missisipi,<sup>5</sup> but the Natural advantage of the place and the beauty of the Country will if the Indians are peaceable soon make Vincennes a place of Consequence. the Garrison at this place is Command.d by Cap<sup>t</sup> *Parsters*.<sup>6</sup> it Consists of 50 men. the fort or Citadel Commands the Town and River Wabash, in which is four six pounders. the Wabash may be number.d among the beauties of Nature. its about 350 Yards wide at the Town. the banks are not high and the prairies on each side extend as far as the Eey can Command Forming a Landscape when viewed from the *Mounts* back of the Town equal to any thing of the Kinde I Ever have seen. The God of this Comely land has been lavish in finishing his Work, for notwithstanding that the Sovereign hand of Winter had extended its Terrific Influence over all the face of Creation Yit inexpressable charmes could be discover.d which the severity of Winter could not change. The Navigation from the Ohio to Vincennes is said to be 130 Miles safe and easey, upwards from Vincennes 150 miles for Canoes, and the waters of the river in the Spring may be

<sup>1</sup> Cf. *Winning of the West*, I. 34, following State Department MSS., No. 150, Vol. III., p. 89.

<sup>2</sup> The Treaty of Greenville. See *American State Papers*, V. 562-563.

<sup>3</sup> Rev. Edmond J. P. Schmitt says in the letter quoted in note 3 on page 530: "The town was founded in 1727."

<sup>4</sup> *Winning of the West*, I. 35-36, note 2, relative to the memorial of François Carbonneaux, State Department MSS., No. 30, p. 453; and to the letter of Lieutenant-Governor Hamilton, Haldimand MSS. (in the Canadian archives at Ottawa), Series B, Vol. 123, p. 53.

<sup>5</sup> Cf. *Winning of the West*, II. 176; III. 47, 49, 241.

<sup>6</sup> Probably Captain Thomas Pasteur.—E.V.

Navigated within a few miles of the Miami. the lands on this River are said to be equal to any in the World forming large and extensive plains and groves of Timber and must at some time not long distant forme a settlement equal to any in the United States. the West bank of the Wabash is said to overflow every spring, but the East bank on which the Town stands is something higher and is not subject to overflow.

The Aborigines which are settled on the Wabash, near Vincennes, Are much reduced and some nations intirely extinct. the *Piankishas* had a Town within One Mile of St Vincennes but its now destroyd and there Number reduced to about 120 men. they have not any Town or fix.d place of residence but wander about from place to place always calling Vincinnces ther Home. the Wyatonas<sup>1</sup> are said to be 150 men and are settled up the Wabash 200 miles from Vincennes. the Shakis<sup>2</sup> I could git no information about nor is there such a Nation Now Known. If any of them are in beeing they are united With some other Nation.

I was directed to go to Colo *Smalls* for quarters, to which Place I whent and found good accomedations. the Colo and his Lady was from home on a party of pleasure and beeing informed of a Mr Henry who was in Town on his way to the Illinois, I got a Gentle<sup>m</sup> to direct me where he could be found, and Calling at the Hous of Mon<sup>r</sup> Dubois, I found Mr Henry at Table with a Number of French Gentle<sup>m</sup>. I was unfortunate in not having letters to any Gentl<sup>m</sup> in Vincennes however the imbarisment I felt on this Account was soon remov.d by the Politeness of Mon<sup>r</sup> Dubois who without ceremoney took me to the Table and placed me beside the *Roman* Priest. at Mon<sup>r</sup> Dubois, I met with a Number of Americans and Notwithstanding I was a stranger to all Yet I found Myself very agreeable situated. after spending an agreeable afternoon, I return.d to Colo Smalls, and that Evening went to a Ball, where I was Introduced to several Gentle<sup>m</sup>. Maj<sup>r</sup> Vanderburg a man of some note requested Mr Henry and myself to take Brakfast with him which we did the Next morning. I receivd much Politeness from Colo Small, Doc<sup>t</sup> Tisdale, and Mon<sup>r</sup> Dubois, to all of whome I am much indebted as well as maj<sup>r</sup> Vanderburg. Colo Smalls Keeps the onely Tavern in Vincennes at which good accomedations can be had. There is a Catholic Church at Vincennes, but the building is not of sufficient note to be Known by Strangers unless informed, but to whome this Church is Dedicated I did not learn.<sup>3</sup>

<sup>1</sup> Weas or Ouatans. *American State Papers*, V. 130.

<sup>2</sup> Sacs.

<sup>3</sup> "Flaget [afterward, in 1808, appointed first bishop of Bardstown, to which diocese Indiana then belonged] kam am 21. December 1792 nach Vincennes. Hier fand er die Kirche, eine auffällige Blockhütte, in einem gänzlich vernachlässigten Zustande. Er begab sich alsbald an die Arbeit der Wiederherstellung derselben und bereitete besonders den aus Brettern nothdürftig zusammengefügt Altar zur würdigen Feier des Weihnachtsfestes vor, in so weit es seine eigenen dürftigen Mittel ihm gestatteten, denselben herzustellen." *Geschichte der Deutschen St. Marien Gemeinde von New Albany, Indiana*, by Rev. Edmond J. P. Schmitt. This was the church mentioned by Austin. In a letter to the writer Father Schmitt adds: "The church was dedicated to St. Francis Xavier. The pastor at the time Austin passed through, was Rev. John Francis Rivet. The records of the church reach back to 1749."



The 3 and 4 of Jan<sup>r</sup> I remain.d at Vincennies in which time I was made acquainted with Cap<sup>t</sup> Parsters and famely from whome I recei.d many civilities. on the 2<sup>th</sup> a very heavy snow fell which made the road not onely disagreeable but dangerous, however Mr Henry as well as myself came to a resolution, to undertake the Journey, in Opisition to the advice of the good People of Vincennces, who said such a Journey with such a Debth of snow and such severe weather, had not been undertaken by any man, that the Open Country we had to pass was such as to render it Impossible to Keep the road with so large a body of Snow on the Ground. Notwithstanding all that was said, I was fully determin.d to go forward nor Could I think of returning with out Executing the plan I had in Vew. after giting a French man who said he could conduct us safe and providing ourselves with such things as we thought we should want, on the morning of the 5 Jan<sup>r</sup> we left Vincennes in the following Order— Mon<sup>r</sup> Basidon our guide in front, Jos. Bell and a Pack.d mule form.d the Center, and M<sup>r</sup> Henry and myself Brought up the rear. The appearence of Mon<sup>r</sup> Basidon was some what singular which I shall take the liberty to discribe. he was mounted on a small Hors, his saddle was of the French make with a Horn before and behinde. his bridle was made of a Buffalo Cord. under his saddle he had Two Blanketts which almost covered the Body of the Hors. at the fore part of the saddle was an Old Pistol a long scalping Knife and a Tin cup, at the back Horn of the saddle a large Tin Kittle and Bell with a small Bagg of Provisions and on the saddle a Bagg of Corn. Basidon I suppose to be four feet six Inches. his Dress was a short Blue Jack Coat, Coating over Halls, and mockisons over which he had a Blankett Cappa with an Indian Blankett made fast round his wast, with a Buffalo String, Indian like. on his head was a red flannel Cap over which he had a Friars Bonnet made of Brown Coating at the Top of which was a × extending about 3 Inch above the Bonnet like a Weather Cock. round his neck was a Buffalo String to which was made fast a p<sup>r</sup> of mitts made of Buffalo hide and to finish the Dress he had on his feet a p<sup>r</sup> Buffalo Socks which came half up to his Knees. Thus Equip.d and thus arrang.d Our Cavalcade Moved forward and passing the Wabash on the Ice we arriv.d at and pass.d the River Ambro<sup>1</sup> that Night Where we took up Camp.

The Ambro is about 100 Yards over is fordable at all times in the Year except in the Spring when the back water from the Wabash renders it impassible some times for many weeks. this River at the place we cross.d it is six miles from Vincennes. It forms a Junction with the Wabash some few Miles below the Town. its Not Navigable but would be so for many Miles If the loggs was removd.

The great Debth of snow made some Trouble in fixing our Camp. however after removeing the Snow and makeing a large fire, I found notwithstanding the Severety of the Night I rested well. on the 6<sup>th</sup> by Day-light we made ready to take the road and that Night came to and pass.d

<sup>1</sup> Embarras.



Fox Creek, this Night was pinching Cold and as we advanced to the N West the Snow became deeper. we Keep.d good fires and as we had a plenty of provisions we thought it well to improve our time in eating as well as Travelling nor did I finde our situation so disagreeable as I expected. the 7 at Night we pass.d the little Wabash and took up Camp about Ten miles over the river. the little Wabash may be 90 Yards wide. its a Bad River to pass in the Spring has high Banks and Strong Currint and occatisions<sup>1</sup> great Delay to passengers. its not Navegable except at high water and then Not over Hundred Miles. Where the Road passes it, Its said to be 60 Miles from Vincennes.—the 8<sup>th</sup> we still continued our Journey and this Day at Twelve O Clock Mon<sup>r</sup> Basidon said we was half way to Kaskaskia, but here our good luck left us. the Day was Windey and in passing a plain of 30 Miles we lost the road. the Snow was so Drift.d, It was impossible to finde it. however we continued forwards expecting we Should regain it when we came to the wood on the Other side plain. here we was also disappointed for after some time Spent in looking for the road we was Oblig.d to give it up and take up for the Night. the 9[th] a Counsel was held as to our situation and it was agreed that as Mon<sup>r</sup> Basidon was Confident he could finde the way to Kaskaskia without the road that we Should go forward, but some dispute arose as to the point of Compas we should take, I was for S West, Basidon for N West, but as it was supposed Basidon was the best Judge, he was allow.d to govern. we had other Troubles which now became distressing. our provisions which we suppos.d would have taken us to Kaskaskia was expended on the 8<sup>th</sup> nor had we a Gun in Company, So that all hopes of a Supply was cut of. however we continued to push forward from Daylight untill Dark, with some hopes we should finde the road. on the morning of the 11 we came to a large river which mon<sup>r</sup> Basidon said was the Kaskaskia. we pass.d this River on the Ice as we had don all the other Rivers and altering our direction to W S West, we continued on untill 13<sup>th</sup>, Not Yet comeing to Either a road or Settlement, and nothing to live on. Our Situation became Truly distressing. this night Prov.d more disagreeable than any we had experienced. the weather continued Cold and the Snow Near 3 feet deep. about Sun Down it began to rain freezing as it fell. about 12 O Clock it turned to snow, and by Morning we found the snow such a Debth that it was almost impossible to move. our Horses which suffer.d as much as ourselves was also doubley distress.d. the bushes was frost.d in such a manner that they could git nothing. our situation was unpleasant. however, I was confident that by steering West we must strike the Mississipi—but when, was the question. The Frenchman on whome we most depended sadly lamented his situation and Jos. Bell was much distress.d. I did not like the state of things. however I did not think our state so Deplorable. we had Horses on which we could live, If Nothing better could be don. I was determin.d first to make use of the Mule, but this was a Step I did not think would be Necessary for

<sup>1</sup>Occasions.

I thought we should that Day either make the settlement or the Missisipi and the reason I thought so, was that the Country which had been from the Wabash to Within about Ten miles a Continuation of prairies and lofty groves of Timber became broken and Barren forming small ridges. the Creeks also ran West all of which caus.d me to think that the Missisipi was at hand. Nor was I disappointed for we did not Travel a Mile before we came in Sight of a small Village. None but those who have been in a similar Condition can have an Idea of our feelings. had the Everlasting Trumpet Sounded our Eternal happiness I do not think It would have been more Agreeable.<sup>1</sup>

This place prov.d to be Whitesides Station fourteen Miles from the Missisipi and Sixty from the Town of *Kaskaskia* so that we must have first Cross.d the *Kaskaskia* river 150 miles from the Town or road as we had been Travelling down that River 4 Day when we Arriv.d at Whitesides Station. had mon<sup>e</sup> Basidon Taken a W. S. West Course, insted of W N West We should its most likely have made the Town of *Kaskaskia* five Days sooner than we made Whitesides Station.

Notwithstanding the Unpleasent Situation I was in, I could not but be charmed with the Country I had pass.d. such Extensive plains, such Beautifull Groves of Timber, so Charming and Dilightfully Diversifid, are not to be found, perhaps in the Known World. the Onely Rivers between the Wabash and *Kaskaskia* is those before mention.d, but a great number of Creeks. the distance from Vincennces to the Missisipi is said to be 180 Miles and the best land.d Country I have seen. At Whiteside Station We was soon furnished with all We wanted for ourselves and Horses. I found Mr. Whitesides to be in possion of some information respecting the Country which he gave me freely. he also informed me that he had Sundry letters from a M<sup>r</sup> Evens 2500 Miles up the *Missouri* from which I took the following Extract

Missouri Fort Charles<sup>2</sup>

Maha<sup>3</sup> Nation Jan<sup>y</sup> 15 1795

S<sup>r</sup> I arriv.d at this Nation 11<sup>th</sup> of Nov<sup>r</sup> 1794 and Agreeable to promes will give you an acc<sup>t</sup> of this Country so fare as its in my Power.

From this Place to St Louis as the River Meanders is supposed to be 2500 Miles the Land on the River for 20 Miles back is Level and fine formeing large plains or Natural Meadows. the Messouri Makes the most Unaccountable windings and Twistings ever seen takeing Turns of 20 Miles and then returning wjth in a Bow shott to the same place forming Islands and Landscape more beautifull then can be discribed. I shall now give you a Short account of the Natives of this Country. there General Character is Niether the best nor worst in the world. the *Mahas* as well as all the Nations I have Seen are fare Superiour to the Indians East

<sup>1</sup> Clark's army was lost during the march against *Kaskaskia*, in 1778, in the same country, though somewhat further south.

<sup>2</sup> Coues, *History of the Lewis and Clark Expedition*, I. 74.

<sup>3</sup> Omaha.



of the Missisipi in these several points, say Mildness of temper atachment to the White people, tending towards Civilisation and Integrity. This Nation is Governed by a King in his Government absolute. he is belov.d by his people as well as all the Nations Near him and as much fear.d. they make it a matter of Life Not to see any of white people Injured or hurt. the King wishes for information and discovers a Great taste for music and painting, in Short his Character is such and that of the Nation that I am ashamd of the White people when I reflect on the superior qualities of many of these people in a State of Nature to the *Whites* who enjoy all advantages. the King is a Man upwards of six feet and well made. his manners are polite and easy Commands Great respect, he has fix.d Laws, which are pointedly Obay.d

There is several Volcano,s on this River Three of which are out and two now burning<sup>1</sup> of which I shall give you a full acc<sup>t</sup> at some other time, as also the Quaking land through which a River runs and is Constantly Boiling up Sand. I have also seen a small Girl Taken from the White or Welch Indians but she is so small that I can learn Nothing from her. however I doubt not but I shall make out to finde the Nation If I can be allow.d to go on. I have been 160 Miles higher up then this place but was Drove back by A Nation at war with the *Mahas*. The Missouri is nearly as broad at this place as at the Mouth and the Current as Strong.

From this letter it appears that Mr Evens If he returnes will be able to give a sattisfactory account of the Missouri and make some discoveries important to society and advantagos to himself.

I left Whitesides on [the] 14<sup>th</sup> and arrived at Kahokia in the Evening passing a Small Village between Whitesides and Kahokia Call.d Prairie du Pont of about 40 Houses but If I was to Judge of the people by the Houses I should take them to be very Poor. You enter what is called the Missisipi Bottom some miles before you come to the Village of Prairie du Pont. Kahokia is situated with in a Mile and half of the Missisipi on a beautifull plain which Extends for many Miles back of the Town. it has been a place of wealth and did When under the English Government Command an Extensive Indian Trade. Its not the case now. since the Americans have held the Country it has been shamefully Neglected, and many of the best families have Cross.d the Missisipi and with them the Indian Trade. Kahokia Covers a large space of ground but is badly built and the Houses out of Repair. the Church which is a Frame building and not large is dedicated to the Holy Famely. there is not a building in the Place that can be call.d Elegant. there may be about 200 Houses in all, but not more then half of the[m] Inhabited. there is little or no Trade and the people are poor.

The Morning of the 15<sup>th</sup> M<sup>r</sup> Henry and myself Cross.d the Missisipi on the Ice to St Louis and beeing told there was not any Tavern In the Town I left Jos Bell and the Mule at Kahokia nor was It with out great

<sup>1</sup>Cf. *History of the Lewis and Clark Expedition*, I, 84.



Trouble that I procured quarters for myself and I beleave I should have been oblig'd to have returned to Kahokia the same Day had I not meet with a man by the name of Drake who spoke English and went with me to a Mon<sup>r</sup> L<sup>r</sup> Compt, who politely Took M<sup>r</sup> Henry and Myself into Hous. after changing our Dress we immediately paid our Respects to the Commandant Mon<sup>r</sup> *Zeno Trudeau* to whome we had letters. the Commandant received us with much politeness and promis'd us all the assistance the Nature of our business Demanded. I had letters to a Merch<sup>t</sup> Mon<sup>r</sup> Charles Gratiot from whome I rec'd much attention. Mon<sup>r</sup> Gratiot spoke English well and was of great advantage to me as I could not speak French. St Louis is Prettily Situated, on a rising spot of ground, and has a commanding prospect of the Missisipi, for some distance up and Down the River, and also the American Side. the Town of St Louis is better built then any Town on the Missisipi, and has a Number of wealthey Merch<sup>t</sup> and an Extensive Trade, from the Missouri Illinois and upper parts of the Missisipi. its fast improveing and will soon be a large place; the Town at this time Contains about 200 Houses, most of which are of Stone, and some of them large but not Elegant. The Exports of St Louis is suppos'd to amount to 20,000 pounds p<sup>r</sup> annum. the Trade of this place must increase beeing with in 15 Miles of the Messouri and Thirty of the Illinois Rivers. the large Settlements makeing on the Missouri by the Americans will be of great advantage to St Louis the Wealth of which is so much greater then any Other Town on the Missisipi that it will take a long time to change the Trade even from the American side to any other place, and the great advantages held out by the Government of Spain will soon make the Settlements on the Missouri Formidable. Land have already been granted to 1000 Famelies Near four Hundred of which have arriv'd from different parts of the United States. Back of St. Louis is a small Fort Mounting four four pounders. its not of much strength, has a guard of Twenty men onely. the *Church* is a Frame building and make but an indifferent apperence has neither Steeple or Bell.

The Aborigines which Trade to St Louis are the *Kakapoos* Piankishas Piorias Sioux Shawanees (west of the Missisipe) and Osages on the Missouri. There is none of the above Indians that confine there Trade to St Louis Except the Osages. but St Louis gets the best part of all as well as many other Nations both on the Missisipi and Missouri which seldom or ever Visit the Town of St Louis, but have goods taken to them by Traders, imploy'd by the Merch<sup>t</sup> of St Louis, who make there returns in the Months of April and May. The Lands on the West side of the Missisipe are Not equal to those on the American side Excep on the Rivers Missouri which enters the Missisipe 15 Miles above St Louis and the *MaraMag*,<sup>1</sup> 10<sup>th</sup> Miles below, and the *Saline* Six Miles below St Genevieve and sixty below St Louis. the River Maramag is navigable for Batteaux 30 Miles at all times in the Year and in the Spring much higher its about a 100 yards wide at its mouth and Keeps Nearly Its width untill its

<sup>1</sup> Meramec.

forks after which it looses its name and make what is Called the Grand River and the Mine Fork. between the Mine Fork and Grand River is the Lead Mines Know by the Name of the Mines of Briton which without Doubt are Richer then any in the Known World. these Mines are about 40 Miles from St Louis and 30 from St *Genevieve* and fifteen from the Navegation of the Maramag. on the Maramack is several Salt springs from which some salt is made. but the Saline will its most likely furnish this Country with salt, there beeing a great Number of Salt springs on its Banks, from which much Salt is now made and when the Works are Extended may furnish all the Upper Settlements on the Missisipi.

16<sup>th</sup> I waited on the Commandant and recev.d letters from him to the Commandnt of St *Genevieve*. leaving St Louis I recross.d the Missisipi to Kahokia and on the 18 Arriv.d at the Town of Kaskaskia. From Kahokia to Kaskaskia is about 50 Miles and the best Body of Land in the world. the Bottom which Extends from Kahokia to the Mouth of the Kaskaskia is in Common five Miles in width and Except immediately on the Bank of the River and  $\frac{1}{4}$  of a Mile out, is in order for any kinde of Farming use, beeing a Natural Meadow the Whole Way. between the Town of Kahokia and Kaskaskia you Pass the Village of *Prairie Du Rocher* which has about 60 Houses as also the *Little Village* which I am Told when under the English had 50 famelies and a good Church, but at this time there is but 3 famelies in the Town and the Church is destroy.d. the Church at *Prairie Du Rocher* is a frame Hous and not large. its much out of repare has a small Bell is Dedicated to St Joseph. about Thirty Miles from Kahokia Stands Fort Charter. Its a noble worke and the manner in which its Neglected proves how much this Country has been and still is neglected by Government. Fort Charter when built I am told was a Mile from the Missisipe, but the river has so chang.d its Channel that It has demolish.d the West side of the Fort intirely, and Its fell into the River. Each Angle of the Fort is 140 paces or steps. Its built of stone taken from the Missisipi Cliff, and where the Walls are unhurt, they are about 20 feet high. but the South Walls is much Injure.d, the East and North are more Perfect, the Ditch which surrounds the Fort is almost fill.d up. the Gate was Finish.d with hew.d Stone, but its much defaced. with in the Walls of the Fort is a range of stone Barracks, with in which is the Parade. at the South East Corner of the fort stands the magazine, which is also of stone and not in the least injure.d. The Arch appears to be as good as when finish.d. at the south west Corner stands the Guard Hous, a part of which is fallen with the West wall into the Missisipi, between the Guard Hous and the West range of Barrack, is a Deep well walled up with hew.d Stone and is as good as when made. the wood work of the Barracks is destroy.d Im told by fire. the last English Garrison had orders to demolish the Fort, and Turned There Cannon Against the Walls For some Days, however the peices were not sufficiently large to Effect the destruction, but the walls are much Injure.d. the French from the Spanish side of the Missisipe have Pillage.d the Windows and Doors of the Bar-



racks of many of the best hew.d Stone, and taken them up to St Louis for private use. Fort Charter is sade to be the best Work of the kinde in America. Its not easy to account why this Country has been Neglected by the Government of the United States, and when its considered that Its not onely a Frontier as to the Indians, but also as to Spain who are takeing Every step to make there Country Formidable in case of an attack, It is not unreasonable to suppose that the Executive of the United States, have not a Just Idia of the Importance of the Missisipe Country, or the Trade they are Daily looseing, and which will soon be so fix.d on the Spanish Shore as to be harde to with Draw. Some of the Standing Laws of Congress as they respect the Illinois Country are distressing and unjust in there Operation. the Law which make the Property of all the People forfeited to the United States who have left the Government of said States and do Not return with in five Years, is Cruel and severely unjust<sup>1</sup>. It ought to be remember.d that in 1778 Gen<sup>l</sup> Clark took the Illinois and left a Small Garrison at Kaskaskia onely,<sup>2</sup> who instead of protecting the People Pillage.d them at Will and when that Garrison was with Drawn which I beleave was in the Year 82 the whole settlement was unprotected and Notwithstanding Garrisons have been Established from Georgia North for the protection of much smaller settlements, Yet the Illinois have not recev.d the least assistance from Government from the Time of Clark untill the present Moment, Which Oblig.d many families to take Shelter under the Spanish Government, and because they did Not return and stand the scalping Knife they are to loos their property, for its to be Know[n] that all the Towns on the Missisipe have been at the mercy of the Indians untill the Treaty made by Gen<sup>l</sup> Wayne. that Government Should take away the property of a people they could not or would not Protect is something new more Especially a Government like Ours.

Kaskaskia which is a place of the most Consequence of any on the American Side of the Missisipe and the County Town of Randolph, is Situated in about 38° 48 N. and Long 16° W. from Philad<sup>a</sup> on the Banks of the River Kaskaskia Two Miles from the Missisipe and five from the Mouth of the *Kaskaskia* in a level Champagne Country and is overlooked by a Hill on the opposite side of the Kaskaskia River which commands an Extensive prospect, as well of the Country below as of the Missisipe, and the Spanish Villages of St. Genevieve and New Bourbon, formeing all together a Landscape beautifull and pleasing.<sup>3</sup>

It is suppos.d to have been settled much about the same time as Philad<sup>a</sup> or at lest about a Century ago, the oldest Records in the office which is dated in the Year 1722 beeing marked with the Number 1015 shoves that it was settled at an earlier period. It was formerly populous

<sup>1</sup> Act of March 3, 1791, sec. 2. See *United States Statutes at Large*, I, 221.

<sup>2</sup> *Per contra*, see *Winning of the West*, II, 88-89.

<sup>3</sup> Winsor's *Narrative and Critical History of America* (VI, 717) reproduces from Philip Pitman's *Present State of the European Settlements on the Mississippi* (London, 1770) "a plan of Cascaskies (*Kaskaskia*)."



and in a Flourishing Condition. at present no more then from 5 to 600 Souls are in the Town and its much diminished in Wealth as well as population. The many Changes that have taken place in the Government of this Country has greatly contributed to this decay, and more Especially the last when taken possession of by the Americans in the Year 1778 from which time to the Year 1790 it was in a manner left without any civil Authority,<sup>1</sup> which induced Numbers of the most Wealthy of the Inhabitants to remove to the Spanish Dominions. Its now the Capital of the County of Randolph having in the Year 1795 been detached from the County of St. Clair.

Kaskaskia River discharges itself into the Missisipi about five miles below the Town is about 250 Yards wide, has an easy current and may be navigated most Seasons of the Year with Boats from 10 to 30.000 lbs Burthen. the Lands on the Kaskaskia for 150 Miles up are equal to any in the United States formeing large and Extensive Meadows.

From the best Accounts that can be gather.d from the most antient of the Inhabitants it appears that the first Settlement of the Country by the French was at a place called La Riviere Despere (or Fathers or Priests River) which is situated on the now Spanish side of the Missisipi about 6 miles below where the Town of St. Louis now stands and about 50 miles above Kaskaskia. From the suppos.d Unhealthiness of that spot, they remov.d to a prairie on the Kaskaskia River about 25 Miles from its Mouth where the Tamaroica Indians then liv.d. Here they built a Church dedicated to St. Joseph, and Called the prairie after the name of the Saint, and resided there some time, untill some disorder prevailing among the Indians, which destroyed the Most of them in one Year, they came to Kaskaskia and built a Stone Church in the Centre of the Town Dedicated to the *Immaculate Conception* of the *Virgin Mary*. This has Since from the badness of the Work fallen Down and in its Room another large and Spacious Fram.d one has been Built, which is now in good Repair with a Spire and Bell. Before the Church is a large Square. the Jesuit's College which stood on the East side of the Town is now intirely distroy.d. the Houses are much reduced in number. its said when in its Glory to have contained 350 or 400 but at this time there is no more then 250 and many of them much out of Repair. the Trade of Kaskaskia was equal to all the Towns on the Missisipe, but like all the Towns on the American Side, its now poor and cannot be said to have any Trade.<sup>2</sup>

The Aborigines of the Country from which the Town and River of Kaskaskia took there Name, were formerly a Numerous people, but who

<sup>1</sup> See Dr. Boyd's article, *The County of Illinois*, in this REVIEW, IV. 623-635.—ED.

<sup>2</sup> Cf. *Winning of the West*, III. 236-237, following a "Memorial of the French Inhabitants of Post Vincennes, Kaskaskia, La Prairie du Rocher, Cahokia, and Village of St. Philip to Congress," by Bartholomew Tardiveau, agent, in the State Department MSS. Roosevelt intimates that Tardiveau may have misrepresented the Creoles for the sake of what he considered his own advantage. See also the reference, p. 240, to the letter of Harmar to the Creoles.

now do not consist of more than 8 or 10 men at most.<sup>1</sup> The Wars they were engaged in with the Shakia<sup>2</sup> and Fox Indians who revenged the Death of the Famous Chief *Pontiac* treacherously Killed by an Illinois Indian in one of the Illinois Villages, together with there debauched manner of living, have in a manner Annihilated a Nation which at the first Settlement of the French consisted of about 3000 fighting men so that the Whole Nation at that time must have consisted of about 12,000 souls. The Neighbouring Tribes who called themselves Tamaroicas Mitchigamias, and Kahokias, are all extinct, or at Least, if they are living they have Joined other Nations, and the Piorias, the remaining Tribe of those Indians who were Called by the general Name of the Illinois Indians, now live on the Spanish side of the Missisipi, and do not consist of more then 40 men. They are as Equally lazy and Debauched as the Neighbouring Tribes, and will also with them soon be Extinct. The Chief or as he is called the King of the Kaskaskia Indians (Baptiste Ducoigne)<sup>3</sup> is a man of about 45 or 50 Years of Age, is said to be a man of good understanding, his dress is much like the French and he would pass for a Frenchman with strangers. Baptiste Ducoigne I am told receives from Government, 500 Dollars p<sup>r</sup> Annum Which is given to the Kaskaskian Nation,<sup>4</sup> but Ducoigne takes good care that the few Indians Yet remaining do not receive a Shilling, so that Government pays 500 Dollars for nothing, and Worse then Nothing, the Money Onely Answers to make an Indian Chief Drunk If he is so minded every Day in the Year. Was Government well informed of the reduced state of the Kaskaskia Indians, I think this money would be with held, for it Answers No good end what Ever. was the like sume expended in Extending a Post from the Falls of the Ohio to Post St. Vincennes, and from Vincennes to Kaskaskia, by which means the People would have an oppertunity of hereing from the Government and the Government from them, such an Establishment would be productive of much good.

The Illinois Country is perhaps one of the most Beautifull and fertile in America and has the perculiar advantage of beeing interspersed with large plains or prairies and Wood Lands, where a Crop can be made the first year, without the trouble and Expence of falling the timber, which in every other part of America exhaust the strenght and purse of a New Settler. The Missisipi affords an Easy and certain Conveyance for his produce at all Seasons of the year, to New Orleans, which place or some other on the lower parts of the River bids fair to be one of the greatest marts in the World. Nature has undoubtedly intended this Country to be not onely the most agreeable and pleaseing in the World, but the Richest also. Not that I suppose there is many If any Silver Mines or Gold Dust. Nor do I consider either of them sufficient to make a Country Rich. but the Missisipe has Whats better, she has a Rich Landed Country. She

<sup>1</sup> See The George Catlin Indian Gallery, p. 886, *Smithsonian Report* for 1885, Part 2.

<sup>2</sup> Sacs.

<sup>3</sup> See his letter in this REVIEW, IV. 107, 108.—ED.

<sup>4</sup> In accordance with the treaty of Greenville, Art. 4.



has the Richest Lead Mines in the World, Not onely on the Maramack and its waters but also on the banks of the Missisipi about 700 Miles up from St Louis at a place call.d Prairie du Chien, or Dog Prairie, at which place or near it is also a (Copper) Mines, of Malleable Copper, the Veins of which are more extensive then any of the kinde here to fore found. she has Salt Springs on Each side of the River, and also Iron Ore in great quantities. These Minerals are more usefull in a Country then Gold or Silver. A Country thus Rich by Nature cannot be otherwise then Wealthy with a moderate shere of Industry. Its also to be remember.d that all the Wealth of this extensive World may be warfted to a Market at any time of the year Down the Missisipi at an easy expence.

the 19 I pass.d the Missisipi on Ice to St Genevieve, which is about 2 Miles from the bank of the River, which at this place is about A Mile over. I presented my letters from the Commandant of St Louis, to Mon<sup>r</sup> Valle, the Commandant of St. Genevieve, who recevd me with much Politeness, and promis.d me all the assistance in his power and on the 21 beeing furnished with a *Carry all* and Two Horses I left St Genevieve in Companey with a M<sup>r</sup> Jones of Kaskaskia<sup>1</sup> for the Mines of Briton, and on the 23 arriv.d at the Place, I found the Mines equal to my Expectation in Every respect. the weather turning warm we was oblig.d to make a quicker return then I wish.d. however I satisfied myself as to the Object I had in vew, and returned to St Genevieve, on the 26<sup>th</sup> the Mines of Briton, so called in Consequence of there beeing found by a man of that Name, are about 30 Miles from the Town of St Genevieve. there is a good waggon road to the place, and all the Lead that has been made at them is by makeing a fire over the Ore with large Loggs which Melts some of the Ore, by which means about  $\frac{3}{5}$  of the Lead is lost. Notwithstanding the Imperfect manner in which they Melt the Ore, Yet at the Mines of Briton last Summer was made 400 000<sup>lb</sup> Lead, and from an experiment I made the same quantity of Ore that was made use of, to make the 400 Thousand pounds would have made 1200,000<sup>lb</sup> of Lead, If I was rightly informed as to the quantity of Ore they Took to make a 1000<sup>lb</sup> Lead in the Logg fires. the Ore at the Mines of Briton Covers about 40 Acres of Ground and is found with in three feet of the surface of the *Earth* in great Plenty and better quality then any I have ever seen either from the Mines in England or America.

The Town of St Genevieve is about 2 Miles from the Missisipe on the high land from which You have a Commanding Vew of the Country and River. the old Town Stood immediately on the bank of the River

<sup>1</sup> John Rice Jones. He was Commissary-General of the garrison at Vincennes in 1786-1787 and played a prominent part in the early history of Indiana, and later of Missouri, where he became associated with Austin in the mining business. His son John, or John Rice, Jones, was the first Postmaster-General of the Republic of Texas. See, in Vol. IV, of the Chicago Historical Society's Collections, *John Rice Jones: a Brief Sketch of the Life and Public Career of the First Practising Lawyer of Illinois*, by W. A. Burt Jones, and a note on John Rice Jones, *Quarterly of the Texas State Historical Association*, II. 1. The title of the sketch referred to speaks for itself as to the claim of its author.



in an Extensive plain but it beeing Some times over-flow.d by the Missisipe and many of the Houses washed into the River by the falling of the Bank, It was thought adviseable to remove the Town to the hights. the Place is small not over 100 Houses, but has more Inhabitents then Kaskaskia and the Houses are in Better repare, and the Citizens are more Wea[ll]they. It has some Indian Trade, but what has made the Town of St Genevieve is the Lead and Salt that is made Near the place, the whole of which is brought to Town for Sale, and from thence Ship.d up and Down the River Missisipe as well as Up the Ohio to Cumberland and Kentuckey, and when the Lead Mines are properly worked, and the Salt Springs advantageously manag.d, St Genevieve will be a place of as Much Wealth as any on the Missisipe. One Mile from St Genevieve Down the River is a Small Village Called *New Bourbon* of about 20 Houses. at this place, I was Introduced to The *Chevaleer Pierre Charles De Hault De Lassus*, A French *Nobleman* Formerly of the Council of the late King of France.<sup>1</sup> Chevalier De Lassus Told me he had an Estate in France of 30 thousand *Crotons*, but was oblig.d to make his Escape to America and leave all, Which has since been taken by the present government. *Madame* De Lassus had an Estate of half that sum p<sup>r</sup> annum So that the Yearly Income of the famely besides the sumes allow.d him by the King, Amounted to 45 Thousand Crowns p<sup>r</sup>Annum. *Madame* De Lassus did not appear to support the Change of Situation so well as the *Chevalier*. I was examining a larg Piece of painting, which was in *Madame* De Lassus Bed Chamber, representing a grand Festival given by the Citizens of *Paras* to the Queen, on the birth of the Dauphin and a *Parade* of all the *Nobles* on the same Occation. She came to me and puting her finger on the *Picture* pointing out a Coach There said she, was I on that Happy Day. My situation is now strangly Chang.d. after Taking leave of Chevalier De Lassus I recros.d the River To Kas-

<sup>1</sup> "Pierre Charles Dehault Delassus et de Deluzière, Knight of the Grand Cross of the Royal Order of St. Michael, with his wife, Madame Domitille Josepha Dumont Danzin de Beaufort, of the ancient nobility of the town of Bouchaine, in Hainault, French Flanders, northern part of France, came away from their native place, where their ancestors had lived from time immemorial, during the early period of the French Revolution. They arrived at New Orleans about the year 1794 and after a time they came up to Ste. Genevieve and established and located themselves at New Bourbon, contiguous to Ste. Genevieve. Their children were at the time Chas. Dehault Delassus, a Colonel in the service of Spain, their eldest son; another James M. E. Delassus, already mentioned in these annals, and a third, Camillus Delassus, then a young man. If there were other sons or daughters their names are not found in our St. Louis archives. Governor Trudeau made them a concession of land for the support of the family, and the old gentleman was appointed civil magistrate of the place, which position he filled until the transfer of the country to the United States in 1804." Billon, *Annals of St. Louis in its Early Days under the French and Spanish Dominations*.

The above extract was furnished by Dr. Joseph Bauer, of New Orleans. The same volume states further that Colonel Charles Delassus was transferred to Louisiana in 1794, "so that he might be useful to his father's family and continue in the Spanish service." In 1799 he became Lieutenant-Governor and Commander-in-Chief of Upper Louisiana. He continued in the service in different capacities until 1810, when he resigned. He died in New Orleans in 1842.

kaskia and on the 8. of Feb<sup>r</sup>, Took my leave of the good people of Kaskaskia, takeing a Frenchman by the Name of *Degar* as a guide to *Fort Massac* setting my face homwards. after rafting and Swimming several river, I arriv.d at the Ohio about 18. Miles above Fort Massac where A Number of Frenchman was Camp.d for hunting. With much Trouble and Danger I swam my Horses over the Ohio gitting an Other Frenchman as a Guide. I on the 17 Day of Feb<sup>r</sup> arriv.d at the Town of Nashville on Cumberland River in the State of Tennessee. At this place I rested my Self and Horses Six Days and then in Company with fourteen Others some Woman and some Men Took the Wilderness for Knox Ville and without Meeting any thing uncommon arriv.d at Knox Ville on the 4 Day of March where I stad.d but a Night, and on the 9 Day of the Month arriv.d at the Villiage of Austin Ville after an Absence of 3 Months and Nine Days, Makeing a Journey of upwards of Two Thousand Miles 960 of which was A Wilderness and the Snow most of the way Two feet Deep. Five Days of the time I was without provisions. I have made these few observations of my Journey to the Missisipi for the Use of my son, should he live to my Age, Not Doubting but by that time the Country I have pass.d in a state of Nature will be overspread with Towns and Villages, for it is Not possible a Country which has with in its self everything to make its settlers Rich and Happy can remain Unnotice.d by the American people.

M AUSTIN

AUSTIN VILLE.— }  
 March. 25 1797 }

## REVIEWS OF BOOKS

*Encyclopaedia Biblica, A Critical Dictionary of the Literary, Political and Religious History, the Archaeology, Geography and Natural History of the Bible.* Edited by the Rev. T. K. CHEYNE, M.A., D.D., Oriel Professor of the Interpretation of Holy Scripture at Oxford and formerly Fellow of Balliol College, Canon of Rochester, and J. SUTHERLAND BLACK, M.A., LL.D., formerly Assistant Editor of the '*Encyclopaedia Britannica*.' Volume I: A to D. (New York: The Macmillan Co.; London: Adam and Charles Black. 1899. Pp. xxviii, 572.)

It has been for some time obvious that the existing English Bible Dictionaries (those of Smith and others) no longer represent the state of Biblical science; there has been great advance in all directions, especially within the last twenty years. A few years ago a revision of Smith was begun, but it proved unsatisfactory and was abandoned. Two new dictionaries have now been announced, one (the *Dictionary of the Bible*) edited by Hastings, the other the *Encyclopaedia* the title of which stands above. The suggestion of the latter is due to the late Professor Robertson Smith, who at first thought of republishing the Biblical articles of the *Encyclopaedia Britannica* (many of them contributed by himself) with such modifications as later discoveries required. Forced to give up this plan, he (in 1892) requested his friends Drs. Cheyne and Black to undertake the publication of a critical Bible dictionary, the first volume of which has now appeared. The work, as the title indicates, is intended to give a thoroughly critical treatment of all Biblical books, and all persons, things, events, customs and ideas mentioned in the Bible, and the Apocryphal books are also included. The contributors in this volume are drawn from England, Germany, Holland, Switzerland and America. No attempt is made to secure unanimity of views in the various articles; different opinions on the same point are expressed by different writers, but the relations between articles are indicated by numerous cross-references. Special attention is given to the text in Old Testament and New Testament; variant readings of the Hebrew and the Greek, together with the testimony of the Versions, are cited at length. The bibliographical lists are numerous and full. The discussions relating to Biblical historical statements, legends and myths, to the structure and dates of books, and to the origin and significance of moral and religious ideas proceed on the lines of historical investigation, independently of all traditional views, Jewish or Christian. The editors are not friendly to the expression



"Biblical theology," which, they think, savors too much of systems of abstract thought—a sort of conception foreign to the Biblical writers; they rather hope to pave the way for a proper treatment of the history of Jewish and Christian religious life and thought. In this point of view they are no doubt right, as well as in the opinion that "the literary and historical criticism of the New Testament is by no means so far advanced as that of the Old Testament."

The articles are written in the main in accordance with these ideas. Certain of them (historical, agricultural, botanical, zoölogical, etc.), have no religious connections, and are plain statements of facts. Those on Babylonia and Assyria give admirable outlines of the history of these countries, using the latest discoveries, cautiously excluding doubtful points, and giving ample references to the best authorities, and they are not likely to be soon superseded. The account of Hebrew agriculture is accurate and full, and the articles on plants and animals (among the most difficult of the minor subjects) have been entrusted to specialists of ability. The larger literary subjects also are treated in a satisfactory way. The development of the Jewish and Christian canons is followed historically; in regard to the latter it is pointed out that the chief reason for its definitive settlement was the necessity of fixing the faith of the Church against various heretical opinions; a similar consideration, no doubt, led to the settlement of the Jewish canon about the end of the first century of our era. There is a valuable description of the non-Biblical Apocalyptic literature, which will serve as a guide to the student of these works. The articles on Acts, Amos, Canticles, Deuteronomy give the latest critical views on these books; Canticles (or "Song of Songs," as the book is properly called), is regarded as a collection of songs sung at a wedding celebration (this view is now being generally adopted); the difficult question of the different documents in Acts is treated judiciously. The complicated mass of material relating to the conception of the Antichrist is handled in a masterly way, and the difficulties of the chronology of Old Testament and New Testament are clearly set forth. A good example of the treatment of New Testament historical questions is found in the article on the famous Council of Jerusalem (Acts xv.), the account of which is held (on what the present reviewer thinks good grounds) to be irreconcilable with the statements of Paul, and to be the work of a harmonizing editor.

In a dictionary of this sort it is always a question how far hypotheses and conjectures should be introduced. The non-specialist expects a record of positive knowledge, the specialist desires all suggestions that are helpful. It is obviously desirable to distinguish between known facts, theories which are practically assured or have a high degree of probability, and mere conjectural emendations and reconstructions. Such distinctions the *Encyclopaedia* does undertake to indicate by differences of type and other means. Thus, in the examination of the much-discussed story of Chedorlaomer and Abraham (Gen. xiv.) it is pointed out that the two parts of the narrative must be kept separate: one describes a campaign of an Elamite king—this is to be tested by cuneiform docu-

ments; the other deals with Abraham (Abram), and is to be judged by the testimony of the Old Testament itself; if the campaign should turn out to be an historical fact, it would not follow that the story of Abraham's victory and his meeting with Melchizedek was historical. It is generally assumed in the *Encyclopaedia*, we may remark in passing, that the names of the patriarchs and their wives and daughters are tribal and not personal; it would perhaps have been better to give fuller statements (for example, in the case of Abraham) of the reasons for this assumption, and one would like also to have a sketch of the gradual elaboration of the person of Abraham—one of the most notable figures in the Old Testament. The article on Abraham, is however, a careful statement of known facts, and the same thing is true of a number of others, such as those on Abomination of Desolation, Geography, Benjamin, Canaan. In some cases conjecture has been too freely introduced. Under Cainites the genealogical list in Gen. iv. is discussed, and the attempt made to explain the origin of the names. The article is learned and interesting, but the conjectures as to the names would be more appropriate in a critical magazine than in this dictionary; the material is at present too uncertain to permit the founding of a theory on it. The suggestion (under Ark of the Covenant) that the ark, after its capture by the Philistines, remained in Philistine territory would stand better in a footnote. Hommel's explanation of the term Belial should be treated in the same way. There are some emendations of the Hebrew text that strike us as being very bold, as, for example, the reconstruction of the list of Edomite kings (under Bela) in Gen. xxxvi. To certain more important points also exception may be taken: the view that angels were regarded as manifestations of Yahweh appears to be contradicted by the Bible phraseology, and it is difficult to believe that the Eden story was taken not as history but as moralized myth by the Old Testament and New Testament writers. But, though this first volume of the *Encyclopaedia* has its little sins of omission and commission (among these an occasional undue insistence on the necessity of adopting the "critical" method of research), it must be pronounced to be a very valuable addition to the material of Biblical study. It is learned and conscientious—the various writers are obviously concerned to get at the truth, and it is handicapped by no theological prepossessions. It is clearly and conveniently printed, so that the reader, whether a specialist or not, can have little difficulty in getting the information he desires. It may be heartily commended to all those who wish to learn the opinions of historical authorities and "advanced" critics in Biblical science.

C. H. TOY.

*Babylonians and Assyrians. Life and Customs.* By the Rev. A. H. SAYCE. (New York: Charles Scribner's Sons. 1899. Pp. 266.)

THIS book is the first in a "series of handbooks in Semitics," edited by Professor J. A. Craig, of the University of Michigan. The series is



intended to "present in brief and compact form a knowledge of the more important facts in the history" of the Semitic peoples, with special reference to the needs of students, the clergy and intelligent lay readers.

Professor Sayce's materials are drawn almost entirely from cuneiform sources. The subjects treated are: 1. Babylonia and its inhabitants; 2. The family; 3. Education and death; 4. Slavery and the free laborer; 5. Manners and customs; 6. Trades, houses and land; 7. The money-lender and banker; 8. The government and the army; 9. The law; 10. Letter-writing; 11. Religion. Of these, 10 might have been made a part of 3, and 11 might have been omitted, since an entire volume is to be written on that subject.

In selecting from the great mass of the so-called "contract tablets" our author has chosen well, and in general the translations are good. There are, however, many slips in detail, some of which are doubtless due to a failure to verify the references. To cite a few: On page 15 Nubtâ is incorrectly called the daughter of Ben-Hadad-amara (see the correct statement on pp. 202, 203); 110 manehs should be 11 manehs; 11 manehs and 50 shekels must amount to more than £62½, whether the maneh be £9 (as usual in this book) or £6 (p. 20, error for 9?). The way in which Nubtâ is introduced (l. 10) would lead the reader to suppose that she is the same person as the Nubtâ of line 3, but this is not the case.

There is a considerable list of misprints, such as "*panca*" for "*franca*" (157), "uniform" for "cuneiform" (205), "weight" for "night" (266), while on p. 211 the two halves of the word "cuneiform" have been separated by two whole lines, and a new word thus coined, "cunei-plain."

But there are certain more positive defects. Chief of these is a tendency to exaggeration, to state possibilities as facts, to draw large conclusions from inadequate premises. We are without evidence that the Babylonians had a Sabbath of the kind described on p. 245. We cannot assert that we have autograph letters of Khammurabi (210). That girls went to school and that women could write (47) may be true, but the evidence presented is inadequate. The name Bel-ia-u should not be read Bel-Yahu (190) and explained as "Bel is Yahveh." The "postal system" as early as 3800 B. C. (104, 213) is imaginary. The "paymaster" (182) ought to be the "guard" or "inspector." With this correction fall to the ground the words about the fraud practised by the paymasters. That Ur was founded as early as 6500 B. C. (2) may be true, but should not be stated with positiveness.

The book contains much unnecessary repetition. As evidence, compare p. 75 with pp. 201, 202; p. 17 with pp. 148, 153, 186, 189, 210 (the statement that Khammurabi is Amraphel); p. 15, top, with p. 70 (read Nubtâ for Qubtâ); p. 15, middle, with pp. 202, 203; p. 47 with p. 214. If the space thus given to lengthy repetitions had been devoted to precise references to the sources of the materials, the gain to the reader would be great. The almost total absence of definite references will seem to many the greatest defect in the book. An index would also be a wel-



come addition, and might have called the author's attention to the many repetitions.

But, notwithstanding slips, misprints, repetitions and even exaggerations, the book is one of great usefulness. The specialist can point out many infelicities of translation and many unjustifiable conclusions. And yet the impression made by the work will be in general correct. No other book shows so well how rich and varied Babylonian culture was. The reader needs only to bear in mind that it is often wrong in details. The blemishes are of a kind easy to remove by a careful revision, and this revision should be made before the work is reprinted.

*A History of the Jewish People during the Babylonian, Persian and Greek Periods.* By CHARLES FOSTER KENT, Ph.D., Professor of Biblical Literature and History, Brown University. (New York: Charles Scribner's Sons. 1899. Pp. xx, 380.)

THIS volume forms the continuation of the *History of the Hebrew People* by the same author, the second volume of which was noticed in this REVIEW in 1897 (II. 708 f.). It covers somewhat more than four centuries, from the fall of the kingdom of Judah in 586 B.C. to the restoration of sacrifice in the temple by Judas Maccabaeus in 165 B.C. A fourth volume (by Professor James S. Riggs), on the Maccabean and Roman Period, is to complete the work.

As in the preceding volumes, the author aims to present in popular form the results of modern investigation. The task is here more difficult; because, in consequence partly of the nature of the sources, partly of the fact that attention has only lately been centered on these problems, there is wide divergence of opinion among scholars, especially about the history and chronology of the Persian period.

With most recent critics Professor Kent shows that only a small part of the population of Judah was carried away to Babylonia in the two deportations of 597 and 586 B.C., and holds that there was no general return of the exiles under Cyrus. The Jews of Palestine in the first century of Persian rule were the descendants of those whom the Babylonians had left in the land; they had rebuilt the Temple in 520-516 with high hopes, but with the failure of these hopes they lost heart and faith—"it is in vain to serve the Lord"—and this state of feeling reacted most seriously on their religion.

The first important change in this situation was made by the coming of Nehemiah from Susa in 445. He restored the walls of Jerusalem and instituted some needed reforms; but on a second visit in 432 (not 532, as printed) he found that the people had gone back to their old ways.

Ezra, with a numerous company of Babylonian Jews, came to Jerusalem, not thirteen years *before* Nehemiah (till recently the all but universal opinion), but *after* him, probably in 397 (seventh year of Artaxerxes Mnemon; p. 201), bringing with him a new law-book (the Priests' Code), which, with the co-operation of Nehemiah, he succeeded in putting in force.

Professor Kent does not remark the difficulties in which this combination involves him. If Nehemiah was active in Jerusalem in 397, we have to suppose either that he had remained there since 432—in which case the state of things Ezra found is inexplicable—or that, although over seventy years of age, he made for the third time the long journey to Palestine, a hypothesis quite without support and intrinsically improbable.

The rival temple at Shechem was built soon after 397, as a consequence of the adoption of the Priestly Law by the Jewish community (but note the uncertainty about the dates on p. 220 f.), and its first chief priest was the priest Manasseh, whom Nehemiah had expelled from Jerusalem. We should expect, under these circumstances, that the priesthood at Shechem would plant themselves on the old law and custom, in opposition to Ezra's innovations; but Professor Kent, with many others, supposes that they made all haste to adopt the new model themselves, and he explains this, after Professor Cheyne, by attributing to Manasseh a zeal for reform like that of Ezra himself—an explanation which leaves the difficulty precisely where it was. In this, as in some other points, the author seems to have adopted the newest opinions without a sufficiently independent testing.

In others, again, as for example in the chronology of the campaigns of Artaxerxes Ochus, he does not appear to have taken note of the results of recent investigations, such as those of Judeich; and it is evident that he has seldom consulted the sources for himself. On p. 283, *i. g.*, we are referred for the history of Antiochus Epiphanes to Polybius xxvi. and Diodorus xix.; observe also the confusion about Bagoas and Bagoses in Josephus and Diodorus on p. 230.

I regret to say that the same pervasive inaccuracy which marred the second volume is even more conspicuous in this. Some of the slips are doubtless to be set down to negligent proof-reading, as when Nehemiah's second visit to Jerusalem is twice put in 532 B. C. (pp. 187, 192); or the reign of Artaxerxes Mnemon given as 404–458, or the date of Antiochus Epiphanes' second Egyptian campaign as 198. The conquest of Babylon is repeatedly put down in 539 (in the chronological table, 538); the conquest of Media, 549. It would be easy to fill a page or two of the REVIEW with a catalogue of material errors. Some of the most remarkable of these are in matters of simple Biblical knowledge, as, for example, the statement that to Jewish priests, from the moment of their consecration, "the tasting of wine, shaving their head or beard, or the doing any act which would render them ceremonially unclean, was absolutely forbidden" (p. 244), or that, under the priestly law, laymen were "deprived the privilege of personally participating even in private sacrifices" (p. 249). Memphis is said to be "not far distant from the borders of Judah" (p. 29). Ctesias twice appears as "the Persian historian" (pp. 14, 74), once in company with "the Halicarnassan historian" Herodotus, from which the unlearned might think that the author took Ctesias for a Persian. These are examples taken at random from a great number and variety. Precisely because this history is intended for



readers who cannot be expected to correct such mistakes by their own knowledge, this negligence in matters of detail seriously impairs the usefulness of the book.

G. F. MOORE.

*A History of Egypt under the Ptolemaic Dynasty.* By J. B. MAHAFFY. (New York : Charles Scribner's Sons. 1899. Pp. xiii, 261.)

*A History of Egypt under Roman Rule.* By J. GRAFTON MILNE, M.A. (New York : Charles Scribner's Sons. 1898. Pp. xiii, 262.)

THESE two works form Volumes IV. and V. of Professor Petrie's "collaborated" *History of Egypt*. He himself has written Volumes I. and II. and will, it is hoped, shortly publish Volume III., covering Dynasties XIX.-XXX. Volume VI., dealing with Arabic Egypt, has been assigned to Stanley Lane-Poole. The plan of the series contemplates a student's history, no attempt being made to give a well-rounded and entertaining narrative of the various elements entering into the wonderfully full life of Egypt. The dynastic arrangement is followed and the original materials are either presented in full or in abstract, or are so amply referred to that the student will have little difficulty in finding them.

The plan has been faithfully carried out in the volumes before us, which have fallen into hands admirably fitted for their tasks. Few except special students of the field are aware how our knowledge of Ptolemaic and Roman Egypt has been recently enriched and corrected by the discovery, publication and investigation of papyri dating from these periods. Some idea of the amount of work done can be gained by glancing over the voluminous report of books and articles dealing with papyrus literature published within the last five years, made by Viereck in a recent number of Bursian's *Zeitschrift*. The results of these investigations have been to correct chronological errors and clear up doubtful chronological points, to enlarge and rectify estimates of rulers and policies, to throw a veritable flood of light on general, social, religious, economic and political conditions, and to make possible the writing of new chapters of Egyptian history.

These two volumes gather up in admirably workmanlike fashion the tools and the results of this advanced knowledge. Both writers are specialists in their respective fields. Professor Mahaffy has already published (in 1895) a larger work on *The Empire of the Ptolemies*, some parts of which he has incorporated into the present volume. He stands among the foremost workers in the publication and investigation of Graeco-Egyptian papyri.

It must be said that these two chapters of Egyptian history do not have the attraction and importance attaching to the earlier periods. This is certainly the case in respect to Roman Egypt, which can be at the best only the history of a province, even if an important province, of the Roman Empire. Ptolemaic Egypt, also, was not the scene or the



centre of any great movements affecting the world's progress. Outwardly it was one of those fragments succeeding to Alexander's shadowy empire, whose disappearance ushers in one of the dreariest and most complex chapters in the history of antiquity, which even Droysen's genius in his *Geschichte des Hellenismus* has not succeeded in making attractive to a large circle of historical students.

Yet if any of these warring kingdoms should arouse a more than limited human interest, it is Egypt under the Ptolemies. Here for nearly three centuries a single family of kings maintained an orderly and prosperous rule. Here Greek art and literature sought and found shelter and encouragement when faction and bloodshed had driven them from their native land, and, in the famous Museum and Library, produced works, which, if they did not equal those of Greece in its prime, yet continued the succession in no unworthy fashion. Here the Jews found a new home where contact with other literatures led them both to exploit their own and to produce a new philosophy of religion which profoundly influenced succeeding epochs. Nor are the personalities and policies of the rulers insignificant. There were no more skillful monarchs in the ancient world than the Ptolemies. The women of the royal house are especially interesting by reason of their vigor, intellect and personal charm. The wives are deified along with their royal husbands. An Arsinoë was honored all over the Greek world and a Cleopatra vanquished the greatest of the Romans.

A most interesting historical question with respect to Ptolemaic Egypt relates to the character and extent of the Greek influence. On the one hand it is held that the Ptolemies ruled primarily as Greeks, caring little for the Egyptian interests of their subjects, except as such care might tend to increase the revenues which were employed to maintain the rulers in the luxury and magnificence of their Hellenic courts. Greek manners prevailed and Greek religion was fostered. Egypt was a conquered country, governed by an alien dynasty of kings, whose military power and native abilities alone secured their position from generation to generation. But this view, already gravely opposed by weighty evidence, has received its death-blow from the testimony of the papyri, which indicate that the ruler was fairly alive to the necessity of conciliating and attaching to himself his Egyptian subjects, sought in some measure the development of the resources of the native population, and even adjusted himself to the political, religious, and social framework which was immemorially Egyptian. All this Mahaffy brings out very clearly and forcibly. The divinization of the Ptolemies, for example, was thoroughly Egyptian and needs not the explanation from Greek modes of thought. The marriages of brothers and sisters, characteristic of the Ptolemaic régime, are explicable from the same source. The long list of temples built and the many Egyptian inscriptions to the honor of these rulers point in the same direction.

In one respect, indeed, it is probable that Mahaffy has underestimated the Greek influence. He minimizes the extent of the introduction of the Hellenic city-state into Egypt, with the contemptuous remark that the

first Ptolemy "had evidently no taste for those pseudo-Hellenic polities, with their senates and public assemblies, which excite the admiration of so many modern historians." Against the denial of such a polity to Alexandria, on which Mahaffy insists from the negative evidence of the absence of inscriptions, there is to be mentioned the testimony that Augustus abolished the senate of Alexandria, "the most characteristically Hellenic part of the local government," as Milne justly remarks. Indeed, one is tempted to see in this position of Mahaffy only an illustration of his invincible torism, which displays itself also in his denunciation of the Romans as entering the East for "unlimited plunder" and dealing with Egypt because they were after its "spoil." A similar inclination is suggested by his unlimited appreciation of these Ptolemaic rulers whose policy of "thorough" is quite to his taste, and whose character in several instances he strenuously seeks to rehabilitate even against the testimony of such an authority as Polybius.

Milne's work in his volume on Roman Egypt has much less individuality than Mahaffy's, who is always himself and infuses a good deal of the spirit of the political pamphlet into whatever he writes. But the former has not produced any the worse book on that account. To be sure, the inequality of the amount of information available for different periods makes a connected and detailed narrative impossible. Roman historians were not particularly interested in Egypt. Egypt, as the author aptly says, supplied corn, not men, to Rome. Yet it is not difficult to obtain a satisfying notion of the various epochs and the main lines of development, especially in view of the mass of papyrus material available for purposes of comparison.

So important to Rome was Egypt regarded by Augustus that he took it under his immediate supervision, and to this fact it owed the measure of good government which it enjoyed. For two centuries it had peace and great prosperity. It affords an additional illustration of the fact, constantly overlooked and practically denied by many good historical students, especially by students of church history, that the Empire is not to be judged by the life of the capital and from the court gossip, which is about all that is given in Suetonius and Tacitus, but by the situation and government of the provinces. Egypt was probably happiest under the Emperors Claudius and Nero, the latter of whom is in a decree of an Egyptian district entitled "Agathos Daimon of the world," a phrase which, says Milne, "is probably more than a mere empty formula." But in the beginning of the third century Africa came forward as a grain-producing region in rivalry to Egypt and the latter gradually lost importance and its prosperity declined, until at last, ruined and worthless, it was resigned without a struggle, first to the Persians, and finally to the Arabs. The papyri and inscriptions afford clear and in some periods detailed information concerning the Roman methods of government, the local and provincial organization, the economic conditions and the religious situation throughout these centuries, all of which is brought out in several chapters, with admirable compactness, by the author.



The significance of Roman Egypt in the growth of Christianity will always lend interest to its history. Alexandria was one of the greatest centres of Christian theological thought, where Hebraism and Hellenism were fused into one by the creative spirit of the Gospel. The Nile valley and its surrounding deserts saw the beginnings of Christian monasticism. Egyptian papyri have already yielded to us the *Logia*, other important Christian documents, and the first *Libellus*, and it is likely that many documents still more valuable lie beneath its soil, awaiting the zeal of the excavator. One of the most interesting chapters of Milne's book is the discussion of Religion in Egypt under the Romans, the passage from Paganism in its various forms, the crude, passionate animal-worships of immemorial antiquity, the refined Hellenic idolatry, and the Roman Caesar-worship, to Christianity. Christianity advanced very slowly and transformed Egyptian character very slightly, so that the heathen fanaticism which plundered the Jews differed but little from the Christian fanaticism which murdered Hypatia, while in the upper country the ancient worships that flourished when the Pharaohs were in their glory still drew the majority to their antique shrines.

It remains to say that full references to authorities, admirably selected and clearly reproduced illustrations, and careful indices make these volumes models of their kind.

GEORGE S. GOODSPEED,

*The Revelation of Jesus. A Study of the Primary Sources of Christianity.* By GEORGE HOLLEY GILBERT, Ph.D., D.D., Professor in Chicago Theological Seminary. (New York: The Macmillan Co. 1899. Pp. x, 375.)

THE author of this work has a certain freedom from theological constraint. He is confident of his scientific intentions and asks for no test but the historical. The tone is perhaps over-confident. "We have, in English, but one scientific discussion of the entire subject of the teaching of Jesus, so far as I know, and that is a translation of Professor Wendt's work." This is an unfortunate disparagement of the work of other men. Dr. Orello Cone and Arthur Kenyon Rogers have discussed the subject without serious omissions. The seeming brevity of their treatment in comparison with Dr. Gilbert's, as shown by a count of pages, is due to their exclusion of the Fourth Gospel, which Dr. Gilbert, on the other hand, uses as "an accepted and authoritative writing of the close of the first century." If scientific method rather than exhaustion of detail is to be considered, it does not appear that Dr. Gilbert is warranted in proudly ignoring them. The first step in science is the distinguishing of things that differ, and Dr. Gilbert has not detected features of the Johannine Gospel which prevent such a co-ordination of it with the Synoptics as is here attempted. Some disparity is indeed admitted, but this is left in the form of mere statement without attempt to define or solve the historical problem involved. This is, at best, an incomplete science.



It cannot be admitted that a purely historical treatment has been won. The author declines to start with the attitude of Jesus to legalism, and offers at once the notion of a new revelation of God drawn from a unique and absolute supernatural knowledge. Why then should we claim the full freedom of historical research? Historical movements usually arise out of historical conditions, and leaving for faith the question of a supermundane guidance, historians have already succeeded in understanding the distinctive preaching of Jesus as formulated in a struggle to overcome the social cleavage introduced by Pharisaic legalism. Dr. Gilbert on the other hand reads all the Synoptic utterances by a super-historical view like that of the Fourth Gospel. Everything is interpreted ultimately out of a consciousness creatively awakened in the supernatural experiences of the baptismal hour. For example, the predictions of resurrection are not the utterances of faith but the deliverances of supernatural knowledge. Presented with the Synoptic Gospels alone the reviewer would never have so construed matters, and he is obliged to believe that Dr. Gilbert's treatment is scientifically incomplete. The attempt to combine the Johannine and Synoptic material does not justify itself by consistency in the results. Again, considerable argument is put upon the Synoptics to adjust them to the claim of absolute sinlessness in the revealer and of his perfect moral union with God. On the basis of the Synoptics this topic would never have been raised and the arguments here employed are borrowed from the discipline of systematic theology.

After all the intense study expended in recent years upon the preaching of Jesus, a certain established result would seem to be finding acceptance with regard to the conception of the Kingdom of God and the Messianic function of Jesus. Dr. Gilbert's conclusions are in marked contrast with this tendency and this is due to the imperfect criticism which he has applied to his sources. Even Matthew xii. 40 and Mark xiv. 28 are accepted without reserve. Should the author accept his conclusions as the content of an authoritative revelation he would be opposing not only eminent historical critics but the established ecclesiastical standards. Such a solitude requires courage. It is argued that two events are spoken of by the term *Parousia* and that in neither case is a personal return of Jesus to earth involved. One event precedes the evangelization of Israel and means "the signal triumph of the Gospel through the next two decades subsequent to the crucifixion." The other is at the end of the age and again this is only "a figurative announcement of the consummation of the age." In conformity with this, the judgment is an ethical process going on in earthly life—as in the Fourth Gospel. Even the judgment at the "end of the age" disappears by a use of language which savors of dialectic rather than of historical interpretation. The reviewer cannot profess to understand this "end of the age" as it is here explained.

The work has, so judged, serious defects, but it is not without great merits. The care of detail, the direct, forcible, pleasing expression, the religious warmth are appropriate to the theme. The author's results seem to be inferior to his abilities.

FRANCIS A. CHRISTIE.

*Roman Society in the Last Century of the Western Empire.* By SAMUEL DILL, M.A., Professor of Greek in Queen's College, Belfast. Second edition, revised. (London: Macmillan and Co. 1899. Pp. xxviii, 459.)

It is a gratifying fact that a second edition of this important work should have been required nine months after the first publication. This is an added proof of our modern interest in a society long neglected because of the stigma of decrepitude laid upon it and because of the distorted judgments cherished by ecclesiastical writers. A knowledge of the inner life of the fourth and fifth centuries, once difficult of access, is now made easy by a growing and attractive literature. The great narrative of Gibbon and the historians of the Church have been supplemented by learned and sympathetic studies of the pagan society and its leading personalities in the period of Roman decline. Schultze's *Geschichte des Untergangs des griechisch-römischen Heidentums* and Boissier's *La Fin du Paganisme* find their counterpart in this work of the professor of Queen's College, Belfast. The English work resembles most the brilliant production of Boissier, but its structure, its minute detail and its literary qualities give it a unique value. Boissier's work has greater completeness and chronological continuity, and it serves more distinctly as a literary history of the period. Presupposing more acquaintance with the sequence of events and of literary production Dill offers a collection of detailed studies in the tenacity of paganism, the social life of aristocratic circles, the breaking down of administration, the ruin of the middle class, the attitude of Romans to the invading barbarians and the Roman education and culture of the fifth century. The whole is a notable and delightful contribution to social history, furnishing vivid and attractive pictures of the actual life of families and individuals. The reader is given a sense of personal intimacy with the habits and fortunes, the loyalties and ideals of interesting men and women. The rumble of political and military events in the big empire has something of the same detachment and distance which it has for our neighborhood life of to-day. We are admitted to a living past.

This successful feature of the book rests in large part upon its literary charm. Characters are sketched with such a sympathetic discrimination as Pater might have employed, though with greater simplicity and directness, and the historical imagination restores the scenes in which these personages moved. For this purpose the word-pictures of Sidonius have been freely used. "As we turn the pages of Sidonius, we seem to feel the still, languid oppressiveness of a hot vacant noontide in one of those villas in Aquitaine or Auvergne. The master may be looking after his wine and oil, or laying a fresh mosaic, or reading Terence or Menander in some shady grotto; his guests are playing tennis, or rattling the dice-box, or tracking the antiquarian lore of Virgil to its sources. The scene is one of tranquil content, or even gaiety. But over all, to our eyes, broods the shadow which haunts the life which is nourished



only by memories, and to which the future sends no call and offers no promise" (p. 194). There is many a fine passage of descriptive portraiture like that of the father of Ausonius, which elevates our standard of human nature by the instance of "an almost flawless character, one of those saintly souls who reach a rare moral elevation without support or impulse from religious faith."

Mere eulogy or denunciation are not here. The author has lived long with his facts and knows what allowances are due to the rhetoric of Jerome, the severe spirit of Salvianus, the prepossessions of Orosius. He knows how to supplement the delineations of pagan sources by facts to which they were indifferent. In this temperate and measured fashion Dill acquaints us with the class pride, the cultivated selfishness and want of public spirit which made the social malady of the time.

In generalizations we are all familiar with the evils which exhibit the decline and ruin of the great empire. Here we obtain such a substance of knowledge and such an appreciation of the incidence of those evils upon classes and individuals as evokes some strong emotion. The bad economic system of government and the hopeless corruption of the public service, which baffled every imperial policy of reform, are powerfully portrayed. Most novel, to the reviewer at least, is the exhibition of the tendency to stereotype society and thus to annul the freedom which is the vital condition of human advance, and to substitute for a living social organism a series of hereditary and immobile occupations and castes. For the common man this was "the principle of rural serfdom applied to social functions." By this very policy the government "received no guidance or inspiration from the thoughts or needs of the masses." The cultivated aristocracy lived in stately self-content reproducing the forms and ideas of the past without power or desire to shape the future. "To such a condition of death-like repose or immobility had the imperial system reduced the most intelligent class in the Roman world. Faith in Rome had killed all faith in a wider future for humanity."

A work of such vital interest and masterly performance will appeal to all who seek to know the tissue of historical life.

FRANCIS A. CHRISTIE.

*Verfassungsgeschichte der Provence seit der Ostgothenherrschaft bis zur Errichtung der Konsulate (510-1200).* VON FRITZ KIENER. (Leipzig: Dyk'sche Buchhandlung. 1900. Pp. xii, 295.)

THIS is a remarkable contribution to the history of institutions. Its aim is to establish the continuity of Roman institutions of a higher type than those of a municipal character in Provence during the Middle Ages. The point of departure taken by the author is the year 510, the year of the establishment of the Ostrogothic rule in Provence. In discussing the transformation of the Roman provincial administration in the sixth century, Kiener passes briefly over familiar ground. The perpetuation of Roman municipal institutions he takes to be a truism. It is yet old,



though less familiar ground, when he penetrates into the provinces. Soon, however, new ground is broken, and the author's contentions become a series of surprises. In 561 Merovingian Provence had broken into three parts: (1) The "Patriciate" of Marseilles; (2) The *Provincia Arelatensis*; (3) Eastern Provence, which was united with Burgundy. What was the origin and nature of the Patriciate of Marseilles? Was the *patricius* a *herzog* under another name? Waitz thinks the patriciate and the ducal authority practically identical (p. 52 note). This identity Kiener denies, and reasons with a conclusiveness that seems final. This portion of the book is a most brilliant piece of work. What was the influence of Roman administrative forms in Provence upon the Frankish system? The answer Kiener gives makes one breathless. He contends that the Merovingian government knew no official below the duke in the provinces. The Frankish count of the fifth and sixth centuries is a myth (see proofs, pp. 59-61). The inference is that the Frankish count was a development of the Karling epoch. He even attempts to fix the time of this change. It was under Karl Martel and Pepin. The Frankish *gaue* were modified by the Roman *pagi*, the prevailing term to define the *territorium* of the *vicedominus*. The count thus becomes the parallel of the Roman *vicedominus*, while the vicar is a prototype of the later viscount. The author then aims to show that the *Patricius* of Marseilles was nothing less than the ancient Roman praetorian prefect of Gaul, Spain and Britain, fallen indeed from his once high estate, yet nevertheless connected in perfect continuity with the palmy days of the Empire. It would entail too large a space to dilate upon the evidence adduced, but the initial link is the transference of the seat of the Gallic prefecture from Trier to Arles between 390 and 418, and thence to Marseilles in the sixth century. The last allusion to the *Patricius* is in 780, a time curiously coinciding with the creation of the Frankish county-system. In course of time the *vicedominus* too disappears in Provence, though not until the tenth and eleventh centuries. This disappearance takes place in one of two ways. Either his territory tends to become identified with the *territorium* of the rising communes of Provence, or else the *vicedominus*, to save himself from being crushed in the coil of things ecclesiastical, becomes the *advocatus* or *vogt* of the twelfth and thirteenth centuries (p. 254). Already long before this the increasing power of the Church had transformed the civil vicar from a subordinate of the state to a deputy of the bishop (p. 127). Meanwhile the renascence of the cities of Provence had begun which culminated in the great communes. Here the Frankish *schöffen* have become judges, and by the middle of the ninth century are frequently called *judices*. The Roman idea had gained the mastery. The cities revolted against the justice of their feudal lords, and organized a judicial system of their own in which the *schöffen* are the principal feature. The point, of course, is that the form of Roman judicature was perpetuated. Ultimately the communal corporation appears in the consulate of which the *schöffen* are the nucleus, and which is defined as a joint union of the burghers for self-government (p. 132). The

twelfth century was the epoch of the communes of Provence. The striking fact in regard to them is that in their organization there is a reversion to the Roman type even in the case of lower political forms. Not merely does the communal association result from this inspiration of Roman judicial principles; the petty officials of the commune retain the form and the name of similar officials in the fourth century (pp. 163-167).

A word upon the sources may conclude. The greatest reliance has been placed upon the *Cartulaire de l'Abbaye de St. Victor* in Marseilles, the *Cartulaire de l'Abbaye de Lérins*, the *Cartulaire de l'Ancienne Cathédrale de Nice*, the municipal archives of Provence and the lives of St. Victor and St. Caesarius, bishop of Arles in 542. One very singular discovery which ought to be investigated more widely in other manuscripts, Kiener has made in the latter biography, namely that the Latin particles "*vel*" and "*seu*" have the meaning of *and*, in consequence of which the sentences where these words occur have an entirely different significance from the apparent meaning (p. 49, note 146). The work as a whole is remarkable for the depth of its research, the cogency of its demonstration and the importance of the facts presented.

JAMES WESTFALL THOMPSON.

*Two of the Saxon Chronicles Parallel, with supplementary Extracts from the Others.* Edited with introduction, notes, appendices and glossary by CHARLES PLUMMER, M.A., Fellow and Chaplain of Corpus Christi College, Oxford, on the basis of an edition by JOHN EARLE, M.A., Professor of Anglo-Saxon in the University of Oxford. Vol. II., Introduction, Notes and Index. (Oxford: Clarendon Press. 1899. Pp. clv, 462.)

AFTER a lapse of seven years Mr. Plummer concludes his work on the Anglo-Saxon Chronicle, interrupted by the preparation of his edition of Bede's *Ecclesiastical History*. The first volume, containing the texts of the Chronicle accompanied by a preface, appendices and a glossary, appeared in 1893, and is now followed by the present volume which completes the work with a long delayed introduction, the notes and an index. The present work differs from its basis, Earle's edition of 1865, rather in execution than in plan, but is of course a very great advance on its ancestor. It differs from Thorpe's six-text edition in the Rolls series, probably its other most widely known and used predecessor, in that it is accompanied by no translation, has a careful study of the MSS. and a whole volume of notes. As the most complete, accurate and scholarly edition of the Chronicle which has yet appeared its completion will be welcomed by historian and philologist alike. The space of this review forbids either statement or discussion of what is the newest and most important part of the introduction, perhaps, indeed, of the entire volume, the theory of the origin and development of the Chronicle and the history of the texts we possess. In regard to the former, "I have no hesitation in declaring," says Mr. Plummer, "that in my opinion the popular answer is in this



case the right one: it is the work of Alfred the Great," written, that is to say, by his order and under his direction, most probably, in the editor's opinion, at Winchester. The ensuing discussion of the history of the texts we have, of their origin, wanderings, and growth, is by far the most complete and ingenious as well as the most consistent and valuable theory which has ever been advanced to account for their characteristics and divergences. Mr. Plummer's long and exhaustive study and high scholarship give him license of which he fully avails himself to speak on this subject as one having authority if not, indeed, as the scribes themselves. The value of such an account by such a scholar is therefore unquestionable, especially in determining the relative value of the different MSS. for different periods. But when he goes further than this and attempts to reconstruct the details of the history of each text, one is forcibly reminded of his own words in his edition of Bede regarding those other great works of constructive historical imagination, Green's *Conquest* and *Making of England*, of which Mr. Plummer has said: "I confess to doubting whether the foundation is strong enough to bear the elaborate superstructure that has been raised upon it. Mr. Green writes as if he had been present at the landing of the Saxons and had watched every stage of their subsequent progress. This certainty is very favorable to picturesque writing. I wish I could feel equally sure it was justified by the quality of the evidence." If one substitutes "writing of the Chronicle" for "landing of the Saxons" in the passage it would seem no unfair criticism of Mr. Plummer's own attitude in his introduction. The editor of the Chronicle stands on firmer ground than the author of the brilliant war correspondence of the Anglo-Saxon invasion, but while admitting to the fullest extent the very great interest and value of such a piece of critical study, it is hard for a layman to accept unreservedly such a circumstantial account of the history of these texts purely on the ground of internal evidence. Of the notes themselves it is hard to speak with any moderation, such is the wealth of material, the breadth of scholarship and the quantity of information in these three hundred pages, and one can do no more than note here the editor's views on certain points around which controversy has raged most hotly. The long discussion of royal genealogies at the outset is most curious and interesting, though it suggests the question whether, after all, it is not the better part not to take too seriously a study which seems to serve only to make the darkness of pre-Chronicle times more visible. Sir Henry Howorth's attempt to substitute a foundation of Wessex by land-expeditions from the East instead of by the five ships of Cerdic and Cynric finds no notice here, though the editor throws another stone on the barrow of the error that Ida was either the conqueror or the first king of Northumbria or that there is evidence that this district was settled by men who came by sea. Brunanburh Mr. Plummer leaves as doubtful as ever, though he seems slightly more inclined to identify it with some place on the west coast of England than with Mr. Stevenson's Brunswark in Dumfriesshire. The statement of the question of English overlordship of Scotland is eminently fair, and



most of us will probably agree with the editor that it has had more attention than it deserved. The discussion over the blinding of the Aetheling Alfred is of great length and interest and attacks Freeman's defence of Godwine rather than Godwine himself, giving the great earl rather a Scotch verdict of not proven, than either condemning or exonerating him. We are spared any recapitulation of the Hastings controversy, though some notice of bibliography would have been useful and certainly not out of place. That no further note on Rollo occurs than a reference to the *Corpus Poeticum Boreale*, and that as an afterthought, while more than a page and a half is given to the story of the three men in a boat who came to King Alfred (to take two instances only), may argue a difference in perspective in the editor and the reviewer; and certain other statements may argue a difference of opinion. But of the learning, the painstaking care, the fairmindedness, the general accuracy of judgment, and the extraordinary diligence shown in these pages there can be no question, and historian and philologist alike must recognize the profound debt of gratitude under which Mr. Plummer has placed them in such an admirable edition of so great a document.

WILBUR C. ABBOTT.

*The Troubadours at Home. Their Lives and Personalities, their Songs and their World.* By JUSTIN H. SMITH, Professor of Modern History in Dartmouth College. (New York: G. P. Putnam's Sons. 1899. Two vols., pp. xxx, 493; v, 496.)

THESE two volumes form a history of Provençal lyric poetry in the Middle Ages. They discuss forty-nine of the most important Troubadours, with considerable detail, and give a passing mention to as many more. The author has based his work on the latest scientific investigations, has accumulated a bibliography of four hundred and eighty-eight titles, which precedes the text of the first volume, and has supplemented his narrative with explanatory and critical notes to the extent of one hundred and eighty-four pages. These figures are an indication of the care and attention bestowed on the purely scholarly side of the undertaking.

Professor Smith does not stop, however, with a history of literature only. He has in mind another object also, indicated by the title of his work, and intends to furnish his reader with a description of the environment of his poets. For this purpose he employs both picture and pen, and combines the facts which he has acquired by his study of the poems and their authors, with other material gathered during two visits to Provence, in which his camera was a faithful companion. So he tells the story of his tour and his work at the same time, and illustrates both by views of the places where his heroes fought and sang, or reproductions of their costume, their music or their manuscripts. A map at the head of each volume gives the itinerary; from Lyons and Grenoble on the east down the Rhone to the Mediterranean, east to Italy and west to Catalonia, then north through the towns in the basin of the Gironde to Cler-

mont-Ferrand on the Allier and Poitiers on the Clain. Such a direct observation of the surroundings and habitations of the Troubadours lends to their meagre records an illusion of fullness and life. All that remains of them in literature, tradition or nature is brought before us, in a concrete, vitalized form. Even their elusive melodies, often more attractive than the words which they accompanied, may be felt in the transcriptions into modern notation which have been made for this work. Their air is simple, rather plaintive and difficult to retain.

The idea of basing a popular narrative on a scientific foundation cannot be too highly praised. Literature, even on the historical side, is so generally treated from the subjective standpoint entirely that any deviation from the usual road is welcome. Our author is not lacking at all in imagination or invention. But he uses these faculties to piece out and embellish his statistics, not to take the place of facts. The notes indicate all such adornments. We have, then, before us a reliable account of Provençal lyric poetry, expressed in easy and familiar language, and made real by a successful attempt to restore the civilization which produced it. This last statement would naturally have some qualifications, particularly in the opening chapters, where, for instance, Raimbaut de Vaqueiras' modest verse is quite overwhelmed by the repeated allusions to Dante, Petrarch and poets of even a later day. But as the story runs along and gathers volume the references to other writers become less frequent and comparisons are made between the Troubadours themselves.

The translations of the individual poems are in keeping with the general plan of the volumes. Professor Smith does not aim at a literal rendering of word for word in his text—he reserves this exactness for the notes. But he does endeavor to transcribe the spirit of the lines and shows especial care in preserving the rhyme-system of the original, so that his reader may gain an appreciation of Provençal versification. He is also discriminating in his judgment of the part music played in Troubadour poetry, and insists on the irreparable loss which the poems have suffered in the disappearance of their musical setting.

Many fine pages might be cited as characteristic of the work. Among them the reconstitution of medieval Montpellier (I. 137), the personality of Arnaut de Marueilh (I. 143-146), the Albigensian heresy (I., Ch. XXII.), life in Troubadour times (II., Ch. XXXI.), and Bertrand de Born, the knight and the poet (II., Chs. XXXV., XXXVI.). Particularly well interpreted is the Troubadour idea of love, found in the chapter on Pons de Capduelh (II., Ch. XXVIII).

There is hardly a criticism to be passed on Professor Smith's facts. Note 16 to Ch. XXXI., on the entertainment of visiting knights, should show that they were lodged with reputable burghers in the town and not by the lord at his castle. Of the tales woven into the tapestry at Ventadour (II. 159) it is probable that only the story of Tristan and Yseult was popular at the time mentioned.

We think there is more doubt regarding the wisdom of the method of presentation adopted and the arrangement of the material. It is a diffi-



cult task at best to reconstruct a past era. In the present instance this difficulty has been increased by the description of a modern journey and by views of modern towns and medieval ruins. The reason for choosing this plan is obvious; to attract the public at large, and induce it to accept historical truth under guise of an entertaining journal of travel. The genuine student cannot complain, for he is recompensed by a synoptical table of contents which refers to an excellent index. Yet we must confess it took a large part of the narrative to really introduce us to the main purpose of the author, and we are inclined to believe that the other method of writing history "down," instead of backward, is more effectual, and at the same time quite as popular. For instance, the Troubadours' geography is first established by Professor Smith in Volume II. (pp. 20-22), their daily life first sketched—medieval life in general—in Chapter XXXI., likewise in Volume II., their language first explained on pages 175-177 of the same volume, and so on.

The same objection might be urged against the arrangement of the material. Professor Smith starts his tour with the Rhone valley and ends it at Poitiers. But the Rhone valley has not handed down any poet of the first epoch of Provençal literature (see Vol. II. p. 358), and only one good writer, Raimbaut d'Aurenza (II. 359) of the second. Such a way of presenting the subject increases our interest by leading us from the minor authors up to the principal ones, and when we finally reach the earliest Troubadour of them all, William IX., we enjoy the well-prepared climax. But this climax occurs in the next to the last chapter of the second volume, and the plan though dramatic has the serious defect of inverting history.

The self-imposed questions of the origin of art in Provençal poetry, and of its deference to women Professor Smith answers by crediting William IX. with the former and Bernart de Ventadorn with the latter (II. 354, 356-357). William IX. certainly valued an artistic stanza and undoubtedly contributed towards establishing an artistic versification. But it is probable that court poetry—which implies a certain element of art—had existed before William's day, and that his poems alone of their generation have survived because of his rank and his descendants. There is surely no trace of the songs of the people in them. Nor could Bernart de Ventadorn have "established" the fashion of deferring to women. The poet Marcabru, who had left the stage before Bernart entered upon it, complains that the true service of women had fallen away in his time and evil wooing had taken its place. This evidence, of itself, would seem to set the honoring of the sex back into a period antedating Marcabru's activity, much more Bernart's.—The make-up of the volumes is excellent and the index exact and comprehensive.

F. M. WARREN.



*The Peasants' Rising and the Lollards.* A Collection of Unpublished Documents forming an Appendix to "*England in the Age of Wycliffe*." Edited by EDGAR POWELL and G. M. TREVELYAN. (London and New York: Longmans, Green and Co. 1899. Pp. xiii, 81.)

THE names of Messrs. Powell and Trevelyan will give a ready reception to any work connected with the rising in 1381. The former hunted out and transcribed these documents in the Public Record Office, while his colleague seems to have attended to the critical apparatus. The introduction contains a brief but good summary of the evidence contained in the documents, which are, for the most part, jury indictments, chiefly concerned with the Revolt, the trial of John Northampton, and the history of the Lollards, 1382-98.

The documents on the Revolt form an important supplement to what has already been published. It is interesting to learn that as early as June 6 and 7, the Rebellion was raging at Dartford (p. 6). That excellent reformer, Bishop Brunton, of Rochester, appears in the rolls as having, on June 12, been insulted and halted by the insurgents between Deptford and London. He bore a message from Tyler to the King; for we learn that he had been summoned to the rebels' camp at Blackheath, where Tyler eloquently represented their grievances, and sent him to tell them to Richard II.<sup>1</sup>

The rising of the tenants of Chester Abbey in the Wirral shows how even the remotest districts were infected. Besides Chester, the names of four other religious houses are added to the long list of those injured by the rebels,<sup>2</sup> further emphasizing a general uprising against the monasteries as an important phase of the revolt. The interesting popular song of the Yorkshire rebels in 1398 (pp. 19-20) is the more noteworthy because of its resemblance to Ball's compositions in 1381.

The inquisitions taken at the trial of John Northampton, Mayor of London for two years following the revolt, are the chief source of our knowledge of the bitter civic conflict in which he was the leading figure. The economic feature of this conflict has, I think, been too little emphasized. It was simply the struggle of the community against the victualers' guilds, which controlled its food supply, a struggle experienced by most other English towns. Against these powerful guilds, which were backed by the crown, Northampton led the people. Even in this hostile testimony he appears in a favorable light, and when we consider how his re-election was forcibly hindered in 1383, the wonder is that he was as moderate. I cannot agree with the editors that in order to curry popular favor he procured the acquittal of the rebel aldermen Syble and Horne.

<sup>1</sup> P. 7; cf. *Eulogium Historiarum sive Temporis* (Rolls Series), III. 352.

<sup>2</sup> For Chester, see pp. 13-16. Combewell Priory in Kent and Grace Abbey in Middlesex suffered at the hands of insurgents, while the enumeration of the tenants of the Abbess of Malling among the indictments point to difficulties with the peasantry; pp. 3, 10, 17.

The documents relating to the Lollards show the rapid spread of their tenets during the reign of Richard II. and overturn the traditional idea that the King favored them. The most interesting of these documents is an English complaint against John Fox, mayor of Northampton, which reveals a town practically Lollard in defiance of the bishop of Lincoln. It is difficult to see, however, why in a collection of documents hitherto unpublished, the editors should find place for an abbreviated form of three which are fully given in Rymer's *Foedera*, one of them even in the *Patent Rolls*.<sup>1</sup> Nor is there room in such a collection for the two last documents given, which refer to the great schism, and not to Lollardry (pp. 53-54).

The Return as to Foreign Clergy in England, chiefly in 1377, and a valuable table showing the change of personnel in the House of Commons, 1376-1384, complete the work. The former seems incomplete, such dioceses as Durham, Salisbury, Bath and Wells being entirely omitted, while the number of foreigners in most of the others is surprisingly small. I doubt the advisability of using Latin and Old English forms of local names in modern English extracts.

On the whole the volume is a valuable contribution to our knowledge of the later fourteenth century. It is to be regretted, however, that the text of the jury indictments is not oftener given in full. In case of those of 1381 there is constant omission of the names of the jurors, whose attitude can often be established, and is of fundamental importance for the value of the accusation. In one English extract we are told that Walter Tyler, of *Colchester*, and others, were the first disturbers of the peace at Maidstone (p. 9). Confirmed by the statements of other Kentish indictments and of a contemporary chronicle that Tyler was an Essex man, this entry establishes the identity of the chief of the insurrection,<sup>2</sup> beside throwing light on the influence of John Ball, likewise of Colchester. From other evidence I had already concluded that the latter had for years been preaching and organizing the rebellion from Colchester as a centre, and that to him more than any other man its origin was due. No matter how injured the skin, every word of this precious indictment should have been printed in the original Latin. We should know much more about the revolt in 1381 if there were less of such abbreviated documents in the works of Réville and Powell, as well as in the valuable work now before us.

GEORGE KRIEHN.

*The Stones of Paris in History and Letters.* By BENJAMIN ELLIS MARTIN and CHARLOTTE M. MARTIN. (New York: Charles Scribner's Sons. 1899. Two vols., pp. x, 269; viii, 292.)

THERE is little in modern Paris which recalls the older town. The baths inclosed in the Cluny museum and the Arena near Rue Monge are

<sup>1</sup> Viz., the order to expel heretics from Oxford, another order to remove Robert Lychlade and others, and instructions to the university relative to a letter of the French king about the schism. Cf. pp. 41, 52-53, with Rymer's *Foedera* (Hague), III. iii., 141; III. iv., 109, 153; *Patent Rolls*, 6 Richard II., 153.

<sup>2</sup> *Archaeologia Cantiana*, III. 92-93; *Eulogium*, III. 352.



the only monuments left of the Roman occupation. One church of the Romanesque period, three of the early Gothic and two of the later, with certain towers and rooms of the Palais de Justice, are the only representatives of medieval architecture. The fifteenth century is the first epoch in the city's history which has handed down to the present day any considerable number of memorials of its existence, whether in churches, towers, *tourelles*, houses or sections of houses. And these are scattered and quite hidden away among the more pretentious structures of subsequent eras.

But for the archaeologist there are also interesting survivals in the ruins of the famous wall built by Philip Augustus and extended by Étienne Marcel and Charles V. The volumes before us begin with the description of this wall. They follow its windings across the islands of the Seine and along either bank of the river, and join to the story of its way the history of three towers of the fifteenth century which rose near it in the three old quarters of the town. Connected with this tale of stone and mortar is the narrative of the noted people who came and went during the wall's lifetime and the events which occurred within its inclosure.

All the chapters of the work follow the same method. The successive enlargements and reconstructions of the streets and houses of Paris are used as a background for the political, social and intellectual history of the city in the different periods of its growth. The old and new Latin Quarter is described, from the days of Abelard to those of Hugo. The career of Molière and his associates is illustrated by the buildings they knew and occupied, and the haunts they frequented. With the eighteenth century we meet the Encyclopedists, Voltaire and Rousseau. The way of the tumbrils of the Revolution is traced with their loads destined for the guillotine. Napoleon rises and falls, the Restoration and the Romanticists appear. We visit the Paris of Père Goriot and Lucien de Rubempré, as well as the Paris of the Three Musketeers and Jean Valjean. And then, after having been presented to the statesmen and authors of the Third Empire, we are carried back in the concluding chapters of the book to primeval times, and are shown the Marais rising from its swamps, fortified by Charles V., beautified by Francis I. and Henry of Navarre, made the social centre by the salons of the seventeenth and eighteenth centuries, and finally transformed into the factory and storehouse of a commercial age.

The style of the work is slightly obscure at first, but soon becomes clear and forceful. The illustrations which accompany the text are well chosen for the most part. The buildings are pertinent, but the portraits not always to the point, as Marot's and Descartes'. An outline map of the old town with the ramifications of the medieval fortifications would have been a welcome addition, in making the way for the reader plain. The authors have a greater liking perhaps for the material part of their task, the streets and buildings, and are careful and exact in this particular. They are less at home on the literary side, and have sometimes taken tradition and anecdote for history. Their pages on Dante's sojourn



in Paris have no basis in fact. The dramatist Gringore was not patronized by Louis XI., who died before Gringore was ten years of age. The Marais theatre did not exist before 1629, Rabelais' career in Paris is quite unknown, and his writings surely did not have the influence on French style which is attributed to them (I. 93-97), any more than Marot's or Montaigne's. We cite these errors as instances of the inaccuracies which may be found in the chapters on the earlier literature. We might add to them certain personal views of political history, such as the repeated statement that Henrietta of England was poisoned by her husband's creatures, or that Louis XIV. was ruled by Mme. de Maintenon.

But the faults of the work are few, and are quite eclipsed by its merits. There are many unusually good descriptions, for instance, the chapters on life in the Marais, the pages on Chateaubriand and Mme. Récamier, and Balzac's migrations and search for the scenery and setting of his city novels. Slips of the pen are rare: Saint-Germain for Saint-Michel (I. 89), or Pont-Neuf for Pont de Neuilly (I. 97). The index, however, is quite deficient. Some names, as Marot's and De Musset's—and both of these authors are honored with portraits—do not appear in it at all, while others, which recur several times in the text, are allowed but one reference in the index.

F. M. WARREN.

*England in the Nineteenth Century.* By. C. W. OMAN, Fellow of All Souls' College, Oxford, and Lecturer in History at New College, Oxford. (London: Edward Arnold. New York: Longmans, Green and Co. 1899. Pp. xii, 276.)

MR. OMAN is already well known as an author of clear, concise, accurate and not uninteresting historical text-books for use in schools. This book is another product of the same sort and it will not diminish his reputation in the least. It is unfortunate, however, that his narrative, ending in 1898, has thus lost that most important chapter in British imperial history which is now being written in South Africa. That contest is so fraught with momentous possibilities for England and the English-speaking races that an estimate of England's influence during this century which ends, for Africa, with the Jameson raid and the Fashoda incident seems singularly incomplete and remote. It appears to be certain now that England's contribution even to the nineteenth century will be profoundly affected by the events of the last two years of that century.

Mr. Oman set before himself the task of writing the story of one hundred years of politics within the limits of about two hundred and fifty pages. A handbook of this sort becomes a searching test of the author's power of terse and coherent, yet widely inclusive description. Judged by this standard, Mr. Oman's utterance is a model of comprehensive brevity. The struggle with Bonaparte through the first fifteen years of the century fills about fifty pages. Through as many more pages the approach to the Reform Act of 1832 and the recovery from it are vividly depicted. The Palmerstonian supremacy occupies one chapter,

and the rivalry of Disraeli and Gladstone down to the Reform Act of 1884 fills another. One more chapter is devoted to the Home Rule agitation and the concluding chapter reviews the political relations of England with India and the colonies throughout the century. The final word is a discussion of Imperial Federation, which does not to the author seem impracticable. At the middle of the century the author pauses for retrospect of early Victorian England in a short chapter full of kaleidoscopic condensations. Appendices show the chief members of British cabinets, lists of contemporaneous foreign sovereigns, and statistics of British population and national finance during the century. There is an index sufficiently copious and complete.

In statement of fact this book, as an epitome, is excellent. It is usually careful and it is always lucid. The author possesses indeed the unusual knack of imparting to the ordinary monotony of a rapid chronicle a certain aspect of sprightliness and humor by frequent flashes of character-study and intimate revelations of motive, neatly turned in single phrases. It is perhaps this tendency to enliven the narrative which sometimes betrays the author into a form of expression too hasty or careless. Occasionally an infinitive is ruthlessly sacrificed and crude phrases crop out here and there which might possibly escape the censor in a newspaper office. Thus, "Masséna's last approach to the frontier was stopped dead;" the English ministry was "not prepared to stand in to the bargain" with Nicholas I.; "meanwhile Peel passed (*sic*!) many admirable laws;" "a long spell of exile from office awaited the friends of Home Rule." It is curious that although Lord Goderich is correctly named in the table of ministries he should appear in the index and in the text as "Gooderich." Generally, the narrative shows no color of prejudice, although the author does not conceal his opposition to Mr. Gladstone's junction with the Parnellite party and to the "Home Rule" policy, and he refers to British annexations in the Pacific in these terms: "The main reason of their occupation has always been the activity of our encroaching neighbors, and not our own desire for more coral reefs and atolls." The general reader will, of course, find McCarthy's *History of Our Own Times*, for the period it covers, a much more profitable work to read than this little volume. In comparison with the abridgment of McCarthy's work which has lately appeared in the "Story of the Nations" series, Mr. Oman's book has only the advantage of brevity and compactness in one volume. It is, however, undoubtedly an excellent text-book with which to prepare in the schools for an examination upon recent British political history.

C. H. L.

*A History of Italian Unity.* Being a Political History of Italy from 1814 to 1871. By BOLTON KING, M.A. (New York: Charles Scribner's Sons. 1899. Two vols., pp. 416, 451.)

By writing an indiscreet preface Mr. King puts his reviewer on the alert. For when a man says he is practically the only English or French

writer who has treated modern Italian history "with much pretence to accuracy or research," we at once reflect that, were this true, it would better become someone else than an unknown candidate for historical honors to proclaim it of himself. After such a beginning, we need not wonder at the further boast that he has "had recourse to almost all the published matter of any importance (nearly 900 works in all) except (*a*) contemporary journals as a rule, and (*b*) some literature out of print and not to be seen in England." A man who thus regards himself as both pioneer and paragon in this field of history can hardly care what humble critics think of him; nevertheless, it is our duty to say that Mr. King neither deserves the pioneer's laurel with which he has crowned himself nor does his bibliography contain "almost all the published matter of any importance." A glance at it shows the omission of at least fifty works, some of which possess greater historical value than those Mr. King cites, and of hundreds of pamphlets. Mr. King makes no distinction between large and small books. The novice would never suspect, for instance, that Settembrini's *Protesta* is a mere pamphlet of fifty pages, its title being printed in the same type as Brofferio's 4000-page *Storia del Parlamento Subalpino*. As an illustration of Mr. King's candor we find that he passes over in silence the excellent six-volume edition in English of Mazzini's *Works*, in order to mention a slight volume of selections from Mazzini to which Mr. Bolton King furnished an introduction! A little further inspection discloses the fact that Mr. King has omitted the titles of all English and American works bearing on this field, with the exception of Countess Cesaresco's *Italian Characters*, and yet her *Liberation of Italy*—not to speak of other works—has value which Mr. King's history lacks.

To the American student of history, however, Mr. King's unpardonable sin must be his ignorance of German. Imagine an Oxford graduate at this late day unable to read German, who yet boldly assumes to be the master historian of an epoch in recent European history for parts of which a knowledge of German is indispensable! Down to 1861 he might get along well enough with French and Italian, but how can a historian, who makes such a public "pretence to accuracy and research," follow all sides of the relations between Italy and Prussia from 1861 to 1870, including the alliance of 1866, without knowing German? Would Mr. King bestow any leaf of his laurels on a German who should undertake to write a history of the Home Rule agitation with a reading knowledge of only French and Italian? But for this astonishing defect in education, Mr. King would be aware that a German named Reuchlin has treated the history of Italy from 1814 to 1870 with great accuracy, patient research and more detail than Mr. King himself uses; can it be that the British Museum does not possess Reuchlin's three volumes, the last of which appeared in 1873? And since a large part of Italy's struggle for independence concerns Austria, would it not be well for the historian to know German in order to acquaint himself with the Austrian point of view?

Coming now to the work itself, we soon discover that it does not belong to the class of histories which rank as literature. It has the hard-



ness of texture which characterizes most manuals and departmental reports. Its merits are an evident purpose to be just and the most painstaking diligence. Although Mr. King disavows the intention of writing more than a political history, he gives considerable space to social and economic details, being especially addicted to statistics. He analyzes patiently, and much more minutely than they require, the ephemeral constitutions, and the official acts of ephemeral legislatures. But to convey in words the impression of the great tidal wave of emotion and passion which swept over Italy after the election of Pius IX. and culminated in the revolution of 1848 lies far beyond his reach. In general he sets down the facts in proper order; but the spirit which animated the Italians seems to have vanished. Now, no history can be true, unless it reproduces the spirit of the time with which it deals; in the Italian struggle the romantic element often predominated; and no amount of statistics or economic facts or analysis of fleeting legislation can reproduce the romance. We take the revolution of 1848 as a test, because according as an historian treats it, he discloses his ability to cope with the entire period. Mr. King may feel, but he fails to make his readers feel, the sweep and glow of that movement. He seems never to have visited Italy—a fatal disadvantage.

At other points where we have examined him, we find the letter duly recorded but the spirit wanting. He occasionally has an inkling of Cavour's greatness, but the student who knew Cavour solely from Mr. King's pages, might be excused for wondering where his greatness came in. "Inadequate," we say of his brief review of Cavour's early life; "inadequate," we repeat of the account of the diplomacy before the war of 1859; "inadequate" we say again of the story of the political difficulties during Garibaldi's Sicilian expedition. But possibly Mr. King, after further consideration, may revise some of his opinions about Cavour; he has already done so at several points since he printed his essay on Mazzini a few years ago. His opinions, whether of men or measures, lack the stamp of finality.

In spite of Mr. King's "accuracy and research," his book contains many slips, some evidently merely typographical, others due to the author's inaccuracy. But what has troubled the present reviewer more than incorrect dates and misquotations—more even than Mr. King's habit of reporting what Metternich or Cavour or Victor Emanuel said, without giving his source—is the style in which he writes. Who can be expected to read with pleasure 850 pages of this sort of rhetoric: "Austria, indeed, permitted herself the luxury of a persecution, infamous even among her own state-trials, and sent Confalonieri (his life saved by his wife's heroic importunacy) and many another of his comrades to the Moravian fortress-prison of the Spielberg, where the Emperor Francis played with his victims like a cat with maimed birds, and whose horrors Pellico's pen has made the symbol of Austrian cruelty" (I. 37-38). A little before (I. 30) we find *was* or *were* used 17 times on a single page; a little later (I. 46) they appear 14 times. In war it may be good tactics to make

your auxiliaries do all the fighting, but in literary composition this method results in dulness. We hold that to-day the first duty of historical writers should be to present their material in good literary form. A man may "have recourse" to 900 or 9000 works without qualifying himself for writing. In strict accuracy, for instance, would a clear writer have entitled this very book "*A History of Italian Unity*," when Italian Unity began only after the occupation of Rome by the King, the date at which Mr. King's history ends?

WILLIAM ROSCOE THAYER.

*The Life of Prince Bismarck.* By WILLIAM JACKS. (Glasgow : James Maclehose and Sons. 1899. Pp. xvi, 512.)

*Le Prince de Bismarck.* Par CHARLES ANDLER. (Paris : Georges Bellais. 1899. Pp. x, 402).

THE national hero of the military type is usually the subject of a variety of inadequate biographies. For the prominence of spectacular features in such a career awakens an impulse in a host of men to attempt that which is beyond the strength of all but the greatest. Prince Bismarck proves no exception to the rule, and the latest work upon him is open to two general objections. Conceived in a spirit of admiration for services rendered, natural enough in a German, but curious in a Briton, it reflects the uncritical opinions of the common man. The latter, because of the smallness of his stature, is at a disadvantage in any effort to appreciate his greater brother. When the line of upward vision makes a sharp angle with the perpendicular, the power to correctly estimate relations and proportions is gone. In this case there are repeated all the half-legendary conceptions concerning the great issues. For example, the French Cabinet, supported by papal and court influences, is represented after 1866 as resolved upon war, no hint being given of the changes in its membership, or the fluctuations of policy on the part of the Emperor and his advisers.

Again the story of the Hohenzollern candidacy and the events leading up to the final rupture is told in such a way as to reproduce the naïve impression common among the Germans at the time. Corrections made by later additions to our knowledge are left out of account, apart from the incident of the Ems despatch and Bismarck's connection with it, which is told in full.

The second general fault is that, much as the giant's strength and cleverness, his wit and sarcasm, his readiness and far-sightedness are dwelt upon, none of these things are actually seen or felt by the reader. There is no clear-cut presentation of the political issues, and the extraordinary simplicity and directness of Bismarck's methods of meeting them. This is the more remarkable because the account of his political career is mainly composed of extracts from his letters and speeches from the time of the meeting of the Prussian United Diet in 1847 down to the organization of the Reichstag in 1871. The intention is that the man should

reveal himself, but the selections do not serve this purpose, because the translation lacks vigor and incisiveness, while the connecting narrative is frequently partial and not to the point.

Errors of statement are noticeable here and there. One which should be mentioned because it is so frequently repeated is that the Swabian branch of the Hohenzollern family is the younger. On the contrary, the Frankish line from which the Prussian royal family is descended is the younger.

For his study of Prince Bismarck, M. Andler has read copiously and makes good use of his material in the exposition of the administrative reorganization and legislative innovations which have been formulated under the imperial régime. But in the field of international politics his method, which is that of comment rather than of exposition or narration, does not show to advantage. What stands out prominently in this portion of his book, especially when French interests or sympathies come into view, is not his copious reading, but the evidence that he listens credulously and reasons speciously.

For example, the districts of the Old Mark, where Bismarck was born, and Naugard, where he spent most of the years of his youth, are not typical of the respective provinces of Brandenburg and Pomerania, as the author would have us believe. The former province, a sandy country where little grain is grown, the home of an arrogant nobility which supplies the state with army officers and civil officials, is alleged to have endowed Bismarck with one set of qualities; the latter, a region of alluvial soil, the stronghold of aristocrats who are primarily agriculturists and therefore agrarians in politics, to have equipped him with another set. Whatever Bismarck derived from the places of his birth and education, no such classification of the provinces as this is possible. The Oder River, the chief source of the alluvial deposits referred to, covers in its windings a course twice as long in eastern Brandenburg as it does in Pomerania. And neither of these nor the provinces of East and West Prussia can be regarded in any exclusive sense as the home of agrarianism or the breeding-ground of Prussian officialdom.

In his comment upon Bismarck's conduct during the Franco-Prussian war, M. Andler leans almost entirely upon Busch, but his citations do not support his charge of "violent explosions," "blind manifestations and unheard-of-cruelty."

It is however in his discussion of the events which led up to the war that the author relies most upon himself. He admits the restraint shown by the North German Confederation towards the southern states after the downfall of Austria, and the willingness to give Bavaria all the time she wanted to make up her mind that the policy of union was for her own best interest, and yet ventures the unsupported assertion that the war with France was resolved upon by Bismarck, when a hostile majority in the Bavarian Diet overthrew in 1869 the Hohenlohe ministry which favored a closer union. With that sweeping declaration as a point of departure, everything else is easy. There is no difficulty thereafter in



making Bismarck responsible for the "odious intrigue" of the Hohenzollern candidacy. It was merely a "hypocritical pretext" on the part of the Prussian Foreign Office to declare that the affair was outside of its province, and concerned the King alone as head of the dynasty. Then followed in the summer of 1870 the retirement of Bismarck to Varzin, the order to Baron Werther to leave Paris, the sending of the King to Ems. Thither the French ambassador, refused information elsewhere, was compelled to follow him, to be lured into a false position and that false position touched in the despatches of Abeken in such a way as to exasperate French sensibilities. Surely a most elaborate contrivance with which to procure the bloody cement required for fastening the parts of a dismembered nation. But how did it happen that Bismarck set it in operation at a particular time unless he foresaw that the Spanish crisis would become acute at the same moment? And if he foresaw, what superhuman power had come to his aid? And how came it that a workman so practical, so unvisionary, staked everything, his country's fortune and his own, upon the working of a scheme so intricate and so loosely put together that it might break down at any moment? These obstacles to the acceptance of his view M. Andler does nothing to clear away.

*Select Charters and Other Documents Illustrative of American History, 1606-1775.* Edited with Notes by WILLIAM MACDONALD, Professor of History and Political Science in Bowdoin College. (New York: The Macmillan Co. 1899. Pp. ix, 401.)

IN 1898 Professor MacDonald published a volume of *Select Documents of United States History*, beginning with the Declaration of Independence and closing with the Constitution of the Confederate States, 1861. The present volume is constructed upon the same general plan; it begins with the Charter of Virginia, 1606, and ends with the Act prohibiting Trade, December, 1775. The two volumes together cover the entire period of our colonial and national history to the Civil War. In the present volume are eighty documents in all. They are arranged in strict chronological order. The first forty-five articles end with the Treaty of Ryswick, 1697. In this list a very large proportion of the documents are charters. More than two-thirds of them may be found in Poore's *Charters and Constitutions*. Besides the colonial charters there are various other documents, such as the Charter of Privileges to Patroons in the Dutch settlement of New York, 1629, the Fundamental Articles of New Haven, the Maryland Toleration Act, and the various Navigation Acts. Mr. MacDonald calls attention in his preface to the scarcity of historical materials for the first half of the eighteenth century. From 1701 to 1762 he finds only seven documents suited to his purpose; beginning with 1762 and extending to the breaking out of the Revolutionary War, nearly all of the papers selected have reference to the controversy between England and her colonies. The entire space of the book is occupied with the text of the docu-

ments, save about a half-page of notes and bibliographical references introducing each one. There are very few footnotes. The notes contain a brief and clear statement of the nature of the document and the circumstances under which it was given. In a very large proportion of the papers there are considerable omissions. In some instances the character of the omission is indicated in brackets. The second charter of Virginia, 1609, contains several pages of names of citizens of the various classes and noblemen who constitute the corporators; in the place of these names there is a footnote indicating the numbers of the various classes. In such a case as this the note is much more convenient and expressive than would be the names of the persons, and there certainly is a great economy of space. But in the same charter there is an omission of a portion of the document which explicitly requires the government in Virginia organized under the first charter to surrender its authority into the hands of the governor provided for in the second charter, and there is nothing whatever to indicate the character of this omission. One may learn from the context that the new government was to be organized under the authority of the governor, but the omitted part, it would seem, is very closely related to the characteristic features of the charter. A very large portion of the omissions, however, are unimportant in themselves. Comparing this volume with the earlier volume, it presents much more the air of completeness. It contains more nearly all the documents which the ordinary reader would expect to find. The two volumes are of especial use to readers deprived of library accommodations. They are convenient however for any reader, because the material is placed in form for easy reference.

JESSE MACY.

*The Dutch and Quaker Colonies in America.* By JOHN FISKE.  
(Boston: Houghton, Mifflin and Co. 1899. Pp. xvi, 294; xvi, 400.)

THE general character of this work is what might have been expected by those who know Mr. Fiske's previous writings on American history. It is one of those books which occupy a position intermediate between the popular manual and the full history with all its critical appliances and scholarly methods.

Such a work is exposed to special temptations and dangers. The writer has to avoid the brevity and dryness of a manual without feeling to the full the restraints and obligations of the serious historian. With difficulty can he rid himself of the poorer literary conventions of his day; his style is apt to resemble that of the journalist. It cannot be said that Mr. Fiske has triumphed over these difficulties. His style lacks the emphasis which comes of self-restraint. He is at his worst, as is the wont of such writers, when he aims at being sportive or picturesque. His rhetoric is too often of the cheap and well-worn finery of the penny-a-liner. Underhill, the disreputable soldier of fortune who played a conspicuous part in New England history and strove so strangely and so unsuccessfully

to adapt himself to the surrounding atmosphere of Puritanism is "a gay Lothario." The servants of a tyrannical governor are his "myrmidons." It argues I think no exaggerated value for the dignity of history to be somewhat repelled when one meets with such a travesty of Carlyle as the following footnote (II. 216): "Oh no; good irate governor, very far from immaterial; if it were really of no importance why this ruffled temper, why so much asperity and gall; the bill provided for the election of rectors by the churchwardens and vestrymen, the amendment providing that they must be collated by the governor. No one but Mr. Toots would say, 'It's of no consequence, thank you.' " "The style is the man," and it seems to me that the blemishes which I have cited are the outward and visible sign of a certain lack of originality and power, not atoned for by a literary faculty nourished on the best models. And surely the resources of the English language are not so poor that they need to be eked out by such an abominable invention as "pivotal."

But to say all this is not to deny that Mr. Fiske's book has real and solid merit. It is evident that in his general conceptions of history he is a disciple of Freeman and he has absorbed not a little that is good in the teaching of his master. Throughout he applies clear, definite, common-sense principles of evidence to the ascertainment of fact. I occasionally myself should dissent from his conclusions. It seems to me for example that his view of Leisler's aims and character errs on the side of charity; that Leisler was more of an unscrupulous self-seeker, less of a patriotic fanatic than Mr. Fiske thinks him. But that is fair matter of controversy and Mr. Fiske lays the whole matter plainly and honestly before his readers. If he is somewhat blind to what I would call the literary obligations and graces of history, he is never forgetful of its moral obligations nor of its conventions of good breeding. He is obviously anxious to deal in a judicial spirit with all the issues brought before him, with a leaning to the side of mercy, and he is always hearty in his recognition of the labors of others. Workers in the same field are in his eye colleagues, not rivals. He is generously appreciative in his reference to a predecessor in the field of New York history, Brodhead, a writer who only needed more sense of proportion and a style more condensed, relieved, and emphatic to take very high rank among American historians. Twice only does Mr. Fiske fall into anything like an attitude of controversy, and most readers will think that in each case there is ample justification. As befits a disciple of Freeman, Mr. Fiske's wrath is roused by Lord Sherbrooke's well known dictum that the battle of Marathon was a small event because fewer men were killed there than in a good-sized colliery explosion. No one trained in colonial history, where everything lies in duly understanding the day of small things, is likely to commit or to tolerate that error.

Again Mr. Fiske uses his opportunities to demolish, though with no ill temper or discourtesy, that strange fabric of delusion so elaborately built up by Mr. Douglas Campbell, a writer who held that Holland was the parent of everything good in the United States and that England was



an evil root, from which only bitter fruit, morally and politically, could grow.

Mr. Fiske's works on the more controversial portions of American history show what this book confirms, that he has learnt a lesson sometimes concealed from historians of more pretensions; the truth that individual men are better and worse than the systems which they represent, that the wise and honest have often been on that which history must pronounce the wrong side, just as the best cause has its admixture of fools and knaves among its followers.

Mr. Fiske's present work falls into two main divisions: firstly, the history of New York, which is again subdivided into the Dutch colonization of New Netherlands, and the history of the colony after the English conquest under its new masters; secondly, the history of the English colonies which occupied the territory between New York and Maryland, and which owed their existence, mainly though not wholly, to Quaker influence.

In many respects the two sets of colonies were widely contrasted. Not one of those North American colonies which ultimately became the United States owed its existence less to motives of principle, to motives into which either political or religious conviction entered, than New Netherlands. The colony was in the conception of its founders and its early rulers a trading factory rather than an industrial community. Pennsylvania on the other hand was the creation of religious enthusiasm, the work of one who was indeed in a sense a statesman but with whom political motives were throughout subordinate to spiritual issues. And yet with all this essential difference there were strong points of likeness. New York was cosmopolitan because a community of traders readily opened its arms to men of all nationalities and creeds. Pennsylvania was cosmopolitan because its founder repudiated all visible tests and clung to the spiritual brotherhood of all men as the central truth of life. Thus the Middle colonies stood definitely separated from the Puritan states to the North and from the slave-holding planters to the South. To speak of the New England colonies as states may be technically an anachronism but no other term does justice to their life, compact, concentrated and detached. They were oligarchies of creed as the Southern colonies were oligarchies of color, each exclusive and self-reliant. So far as an oligarchy could spring up in the Middle colonies it was an oligarchy of wealth. And this likeness of condition, marking off these colonies from their neighbors, gave a certain common character to the part which the communities on Delaware Bay or in the valley of the Hudson have played in the national life. Both have been more largely swayed by material aims, than abstract principles. Those ideas which have determined the course of national thought whether in the world of politics or the world of moral speculation have for the most part found their home elsewhere.

In another respect the conquest of New York and the settlement of Delaware Bay and the valley of the Susquehanna may be looked on as a

single movement. It completed the British occupation of the Atlantic sea-board. The English colonies might be hemmed in by an enemy holding the valleys of the Mississippi, the Ohio and the St. Lawrence. They were no longer in danger of being cut asunder save by invasion and armed occupation.

But the parts played by the two colonies as links in the chain of defence differed widely. New York was in the main a source of strength to the menaced colonies of New England. The one invaluable legacy which the rulers of New Netherlands bequeathed to their conquerors and successors was the friendship of the Five Nations. New York, largely dependent on the fur-trade, was too deeply interested in the secure occupation of the Western Highlands and the upper valley of the Hudson, to be lethargic or lukewarm.

On the other hand Pennsylvania was the weak point in the English chain of defence. Mr. Roosevelt in the first volume of *The Winning of the West* has pointed out how Penn's Indian policy, admirable in conception, bequeathed a fatal legacy of weakness to his successors, resulting as is the wont of weakness in cruelty. A humanitarian and optimistic policy shutting its eyes to plain facts and ignoring obvious dangers, was over and over again rudely broken by some deed of unauthorized violence. And Parkman has pointed out how the traditions of Penn too often furnished later rulers and citizens of Pennsylvania with a decent pretext for a cowardly and selfish indifference to the interest of the sister colonies.

The great central interest of the colonial history of New York lies in the process whereby a Dutch colony gradually put on forms of life largely English. It seems to me that Mr. Fiske hardly feels the pressure of this question and hardly answers it adequately. Yet if he does not attempt to solve it directly and formally we may find in his book an implicit answer which covers much of the ground. During the twenty years which preceded the English conquest, a quiet process of Anglicizing the colony had been going on. Small settlements from New England gradually established themselves on Dutch territory. Two influences worked to help this. The personal character of the Dutch governor, Stuyvesant, an austere, self-restrained disciplinarian, had more in common with New Englanders than with his own people. Again the purely commercial character of New Netherlands had invested it with that strange cosmopolitanism which it has never lost. New Amsterdam was, as Mr. Fiske reminds us, a city in whose streets "a dozen or fifteen" languages were spoken. Thus a weak and ill-defined type of national character was brought into competition with a singularly definite and concentrated one.

To work out in detail the process of change would be an interesting and a not unprofitable task. Kalm, the Swedish traveller, has a *locus classicus* on the subject which I am surprised that Mr. Fiske should not have noticed. Kalm visited New York in 1748. He says that most of the settlers, "especially the old people, speak their mother tongue."

"They begin however," he goes on to say, "by degrees to change their manners and opinions, chiefly indeed in the town and in its

neighborhood; for most of the young people now speak principally English and go only to the English church; and would even take it amiss if they were called Dutchmen and not Englishmen."

Mr. Fiske devotes what might seem to some a rather disproportionate amount of space to the career of Penn before he took up the task of colonization. Considering the extent of Penn's personal influence on his colony I am not inclined to take exception. But it seems to me that Mr. Fiske hardly perceives the close similarity and intimate relation between Penn the religious thinker and Penn the politician and colonist. Penn's religious writings show that he really did attain to that conviction, so often professed, so seldom held as a practical working principle, that all creeds and dogmas are as trifles compared with righteousness of life, not as embodied in external action, but as resting on loyal submission to the will of God. And as Penn was indifferent to system in religion so was he in politics. He would have willingly subscribed to both articles of the eighteenth-century creed, religious and political, and declared that "the best administered must be the best," as well as that "he can't be wrong whose life is in the right."

This in a great measure was the secret of his alliance with James II. The career and the downfall of the last Stuart king is unintelligible unless we clearly grasp the truth that in his eyes it was wholly unreasonable for subjects to ask for any security over and above the good will and good intentions of their ruler. Penn's conceptions of the duties of a ruler were far higher and more enlightened than those of his patron. But the same fallacy ran through them, and to all demands by his colonists for the protection of constitutional machinery his answer virtually was "no protection can be needed against me, since my objects and interests are identical with yours." And thus while Penn was brilliantly successful in founding a colony imbued with certain definite ideas and principles, his subsequent career as an administrator was a failure.

The life of the Middle colonies lacks the interest which attaches to their neighbors on the North and the South. There is none of that marvellous power of creating and adopting political institutions which belongs to the virtually autonomous communities of New England. There is not that varied and attractive development of individual character which was called out by the conditions of Southern life. Yet the Middle colonies had their part to play and not an unimportant one. The fusion of bodies differing so widely as did the Puritan colonies of the North from the slave-holding colonies of the South was made possible by the addition of a third element having something in common with each. The social and economical methods of life in New Jersey and Pennsylvania and in the rural parts of New York had more in common with the yeoman system of New England than with the *latifundia* of the South. On the other hand the city of New York had in its hereditary oligarchy of wealthy merchants a class much akin to the planters of Maryland, Virginia and South Carolina and even more to the merchants of Charleston. The Middle colonies were fitted by their character and antecedents to play that



*Smith: Religion under the Barons of Baltimore* 577

part which their geographical position seemed plainly to demand. Their establishment under English rule was a needful step toward national union.<sup>1</sup>

JOHN A. DOYLE.

*Religion under the Barons of Baltimore*, Being a Sketch of Ecclesiastical Affairs from the Founding of the Maryland Colony in 1634 to the formal Establishment of the Church of England in 1692, with special reference to the claim that Maryland was founded by Roman Catholics as the Seed-Plot of Religious Liberty. By C. ERNEST SMITH, D.D., Rector of the Church of St. Michael and All Angels, Baltimore. (Baltimore: E. A. Lycett. 1899. Pp. xii, 379.)

DR. SMITH having, as it seems, recently devoted himself to the study of Maryland history, has discovered that a remarkable mythus prevails, not among Marylanders only, but in quarters that should be better informed. He finds, to his surprise and pain, a wide-spread belief that George and Cecilius Calvert were wise, liberal-minded and sincere men; that both had it at heart to provide in the western world a refuge for their fellow-believers; that Cecilius established in Maryland the policy of religious toleration which was maintained so long as the proprietary government had control; and that, upon the whole, these are things to look back to with satisfaction.

His studies have led him to the conclusion that George Calvert was a double hypocrite, pretending to be a Protestant when he was secretly a member of the Church of Rome, and pretending to be a Catholic when he was but half a Catholic, if that; that Cecilius was a shrewd and selfish politician whose single aim was to make money out of his colony; and that the famous Toleration Act of 1649 was "really a most disgraceful piece of intolerance," "a disgrace to the statute-book." These conclusions, he intimates, have been forced upon him against his will, but "the facts have conquered him," and only zeal for the truth forces him to the "ungraceful duty" of destroying a pleasing illusion.

This ingenuousness, the number of references to authorities, and his easy and masterful way of dealing with them, will probably seem imposing to readers who go no farther than his pages, and to whom "Neill" or "Anderson" carries as much weight as the Council Journal or the State Papers.

Dr. Smith is not alone among historians in believing that to cite another writer as asserting a thing is tantamount to proving it; that an

<sup>1</sup> A competent correspondent has pointed out to Mr. Doyle and to the managing editor that the Indians of Manhattan Island were not "a part of the great Lenni-Lenapé confederacy, afterwards known as Delawares" (Fiske, I. 120); that the Indians of the Delaware River and the lower Hudson had not become tributary to the Iroquois in 1640 (I. 177); that the first newspaper in Philadelphia (1719) was *The American Weekly Mercury*, not *The American* (II. 249 n.); and that Andrew Hamilton was not a Quaker (II. 254, 255).

author who holds the same opinion as himself is trustworthy, and *vice versa*; and that a conclusion that is strongly borne in upon his mind has the force of a demonstration and gives a plastic quality to facts.

Thus, having evolved from his inner consciousness the fact that George Calvert was a Roman Catholic long before he declared himself one, he further tells us that even had he been disposed to provide a refuge for Catholics, there was no need for it. In these years (1622-1627) a reaction, he tells us, had taken place, and "the Roman faith was becoming fashionable." There were persecuting laws on the statute-books, but they were not enforced, and the Catholics were as free from molestation as they are now. To prove it, he refers to "Neill" and "Joshua F. Polk." But if he had chosen to go to the State Papers for these years, he would have seen commissions to arrest priests and recusants, petitions that more thorough search might be made, and complaints that the prisons were already overcrowded with papists, which tell another tale. Indeed he tells us himself that Calvert in 1622 was "sending his own co-religionists to prison" because they would not feign Protestantism as he had done.

The limits of this paper allow me but two or three out of many instances of this author's peculiar way of "being conquered by the facts."

He tells us that George Calvert in Avalon was more absolute than the King, his charter empowering him to rule without a parliament or council. If he had read that charter more carefully, he would have seen that it provides expressly for a parliament of freeholders whose assent shall be necessary to laws, and makes the same provision for a council as does the Maryland charter.

He tells us, giving "Fisher" as his authority, that no charter ever given by an English king, except that of Maryland, contained a perpetual exemption from taxation by the crown. Yet the charter of Avalon was before him, containing identically the same exemption, with the same privilege of pleading the declaration of the charter in the courts.

He informs us that the charter of Avalon was "feudal," while that of Maryland was not so, and that this difference rendered it necessary that the Marylanders should be expressly declared "denizens and lieges" of the King, which was unnecessary in the case of the Avalonians; and further, that this "restricting clause" was inserted in the Maryland charter to tie the hands of Cecilus. But the tenth section of the Maryland charter is virtually a copy of that of Avalon, the "natives and liege-men of us" in the Maryland charter corresponding to the "denizens and lieges of us" in the other; and Dr. Smith, in drawing the distinction on which he lays so much stress, has quoted the section of the Avalon charter as that of Maryland!

He asserts that Cecilus by the terms of his charter was prevented from leaving England, being obliged every year "to appear personally at Windsor, bringing his Indian arrows [his rent] with him, and prepared to give an account of his stewardship." A little more careful reading of the document would have shown him that there was no

stewardship to be accounted for, and no obligation of personal attendance; and in the collections of the Maryland Historical Society he might have seen the original receipts showing that the payment was made by deputy.

On page 181 he tells us that "In July [1634] the King told Baltimore that it was contrary to justice to dispossess Clayborne and his colonists of their lands." But upon examination this turns out to be a letter of the Council to Governor Harvey, containing no mention of Baltimore or Claiborne, explaining that there was no intention of invading private rights, that men "might enjoy their estates with the same freedom as they did before the recalling of the charter." Of course this did not include Claiborne, who had no grant of land from any source. In this connection he takes care to tell us that the King wrote forbidding Baltimore to molest the people on Kent Island, but omits to mention that the Privy Council afterwards explain that the letter "was grounded upon misinformation, by supposing that the said [Claiborne's] commission warranted the plantations in the Isle of Kent, which, as now appears, it did not."

I do not discuss Dr. Smith's main thesis, which he leaves, as he found it, a matter of opinion. I have no doubt that he is as fully convinced of the truth, as he is of the importance, of his own views; but I do not think his methods of reasoning likely to convince the judgment of any reader, nor do I perceive that he has added anything to the sum of human knowledge.

WILLIAM HAND BROWNE.

*The Many-Sided Franklin.* By PAUL LEICESTER FORD. (New York: The Century Co. 1899. Pp. xx, 516.)

THIS volume is a reprint of twelve articles, under the same title, which appeared in the *Century Magazine* during the year 1898. Persons most familiar with the life and times of Dr. Franklin and all who, less familiar with the subject, enjoy an interesting book, will wish that each chapter was longer and that there were more chapters. Mr. Ford has touched Franklin before, and very gracefully, in the well-known edition of *Poor Richard* which may be found among the "Knickerbocker Nuggets." Few men of Mr. Ford's age are so familiar with our colonial history. He has touched nothing that he has not illuminated. His edition of Jefferson's writings, and of the *Federalist*; of pamphlets and papers illustrating the period of the formation of the Constitution; his critical essays and his novels all show the hand of the master. *The Many-Sided Franklin* abounds with proof that his hand has not lost its cunning.

It is now customary to reprint magazine serials in neat and pleasing volumes, and no magazine or publishing house surpasses *The Century* in wise selection, or style of reproduction. Mr. Ford has made an interesting book, and publisher and illustrators have adequately met the demands of his theme.

Only a brave and panoplied writer would presume, in these days, to offer a new book on Franklin. Of books about him there is no end, and



the presses are ever groaning under the weight of his name. In later years, his name has been an excuse for the publication of some very questionable books, one or two of which, clothed in flaming dress, have pandered to men's lower nature. We may soon expect "The False Benjamin Franklin" in title, as we have long had it in substance. Mr. Ford is familiar with his theme. He inherits certain neighborly privileges with Franklin and now admits the world to their enjoyment. The distinctive feature of *The Many-Sided Franklin* is the wealth of its illustration, derived principally from these sources: the American Philosophical Society, founded by Franklin and the depository of the most valuable part of his manuscripts; the Historical Society of Pennsylvania; Mr. Ford's library; the Library of Congress; and Mr. Ford's friends and acquaintances. If Mr. Ford had not inserted pictures and fac-similes, his work would rank high, because of its style and information; the reproduction of Franklin's surroundings imparts dramatic qualities to the book. It is a nice piece of staging.

Mr. Ford portrays Dr. Franklin as an institution, touching on his "Family Relations," "Physique: Theories and Appetites," "Education," "Religion," "Printer and Publisher," "Writer and Journalist," "Relations with the Fair Sex," "Jack of All Trades," "The Scientist," "The Humorist," "Politician and Diplomatist," and "Social Life." The illustrations are about one hundred and fifty in number, and are carefully listed. The book is the first study of Franklin not disfigured by imaginary sketches. It is a fine piece of realism. It does not bring Franklin nearer us but brings us nearer Franklin. We are suffered to look over his shoulder while he writes; to stand by his side while he experiments; to sit near while he tells a neat story; and to listen to his conversation with his friends. We peep into his ledger and watch him refine his bagatelles. If we may compliment ourselves into Ariels, and certainly Mr. Ford gives us wings, we may fly over sea and, secure in our oblivion, observe the great man in his daily life at Passy, or earlier, in Craven street. We handle Franklin's pamphlets and books; we even go to press and issue forth from Franklin's shop to inform and amuse the world. No biographer of Franklin has done us this service before. And yet, Mr. Ford does not set up as Franklin's biographer—though well he might. From the abundance of his heart he merely speaks of twelve sides of Franklin; twelve aspects of the best known man in American history.

Mr. Ford's sense of humor makes up the salt of the book. We can imagine with what relish he turns to original manuscripts and the original Franklin and with them confronts the spirit of Matthew Arnold, and another yet this side Lethe, with the paraphrase of Job. It is a most delicate humor that can see the humorous in a misapprehension of humor. Again, in the matter of the celebrated letter to Strahan, which for years has gone the rounds of biographies and text-books, as a fine example of patriotism, Mr. Ford admits all to the secret that, like some other famous letters, this was never sent. The critical scholar will find here the im-

portant part of that letter to Dr. Price apologizing for the vestige of a religious test exacted from members of assembly in Pennsylvania, under the constitution of 1776-7. He may search editions of Franklin's works in vain for this letter—one of the unique and startlingly liberal utterances of the time.

The requirements of a magazine fixed the length if not the scope of the several chapters. The effect is a spatial equivalence which doubtless would not have been observed had the work been written originally for publication in book form. The chapters though of equal length are not of equal importance, and, it may be said, not of equal strength. Mr. Ford has done better, for instance, in the chapter on Franklin as "Printer and Publisher," than as "Politician and Diplomatist." Indeed, we regret that Mr. Ford has not given us the politician and diplomatist in stronger lines. Here the book hurries over much ground with light feet. Doubtless Mr. Ford weighed the subject carefully and decided that within the limits which he set for himself he would treat Franklin's politics and diplomacy in a respectable fashion but not enter into disproportionate discussion of the prolific theme. If this was the author's decision, it is to be commended as the true one for a book of this kind. It is presumable that the author of *The Honorable Peter Sterling* would have keen insight into Franklin's notions of government, and would be able to portray in masterly style that diplomatic career as yet the most distinguished in our annals. The chapter on "Politician and Diplomatist" shows both the strength and the weakness of a book of this order; it recites the interesting incidents of great moment, in Franklin's political and diplomatic life, but with so much isolation of incidents as to fail to awaken the interest of the ill-informed reader, and to fail to satisfy the well-informed. A like criticism may be made of the chapter on Franklin as "The Scientist." Yet it should be said that an equally vivid portrayal of Franklin as scientist, politician or diplomatist will not be found, at the same time brief and comprehensive, in any other book.

Some readers of Mr. Ford will be puzzled in their attempt to associate Franklin with some of the personages whose portraits are given. Perhaps there are two dozen such personages. All the portraits are fine and with few exceptions, are of noted persons, but the brevity of the text excludes an account of their part in Franklin's life. This superabundance of illustration gives the book a touch of antiquarianism which will be far from unpleasant to critical readers; but this evident trail of the bibliophile leads us to private collections of private letters interleaved with rare old prints, and Mr. Ford is under suspicion here, of admitting the public to a glimpse of his own treasures. We miss the faces of Hume and Adam Smith, though Mr. Ford gives us the faces of Thomas and Lady Juliana Penn. Here the antiquarian puts the historian to flight, but we must remember that Mr. Ford is illustrating an epoch as well as a many-sided man.

The book is remarkably free from typographical slips. Mr. Ford may have authority for placing the church of Zion and St. Michael at

the corner of Fourth and Cheney Streets, instead of Fourth and Cherry Streets, Philadelphia. He has compiled a serviceable index and thus opened his book to good repute. It might seem, now, when Franklin has been dead over a hundred years, and the bi-centennial of his birth is drawing near, that nothing new could be said of him. Yet new material continues to come to light. Since Mr. Ford's MS. went to the *Century*, there have been discovered "certain of the correspondence between Benjamin Franklin and his relatives, together with abstracts of church records, and a pedigree chart prepared by Franklin himself, connected with the researches he was making into his family ancestry while sojourning in England as the agent of the Province of Pennsylvania." This highly interesting material has been edited by Mr. John W. Jordan, the editor of the *Pennsylvania Magazine of History and Biography*, and reprinted by him from the magazine for April, 1899. Coming to light, as it did, while Mr. Ford was sending forth his charming serial, it adds to the interest of his theme and throws light on one side of Dr. Franklin of which no one suspected the existence. It is regretted that some part of this new matter could not have been inserted by Mr. Ford in his book. Considering *The Many-Sided Franklin* as a contribution to the bibliography of the man, now so vast, it is pleasing to be able to say that Mr. Ford has written a book which cannot fail to interest all students of human nature, all lovers of Franklin, all persons fond of investigating eighteenth-century men and manners, and all who, deeply versed in Franklin's life and writings, appreciate the authenticity and realism of an historical study.

FRANCIS NEWTON THORPE.

*The Growth of the Federal Constitution in the Convention of 1787.*

By WILLIAM M. MEIGS. (Philadelphia: J. B. Lippincott Company. 1899. Pp. 374.)

To the many accounts of the work of the Federal Convention at our disposal Mr. Meigs has added another which from the convenience and helpfulness of its method in the presentation of the material deserves prompt recognition as one of the most useful and instructive of the books devoted to this theme. As a mere labor-saving device its value is not easily overstated. Instead of simply paraphrasing and condensing Madison's Notes, Mr. Meigs has carefully traced the development of each clause, with a brief summary of the discussions of it, from the earliest suggestions through all its transformations until it takes its place at last in the completed constitution. Or, in other words, he has arranged our records of the debates in the order of the topics in the text of the Constitution and compressed them to perhaps one-third their present length mainly by the omission of unessentials. It is now possible to read in two or three minutes the outline of the history in the Convention of any provision in the Constitution and with the help of the dates to follow the details of the discussion in Madison's Notes with almost equal readiness. So far as I have tested the work it seems to have been done very thoroughly and accurately.



Mr. Meigs, however, has not merely rendered old material doubly available for our instruction by a fresh analysis and a rearrangement of it, but he has identified an important missing link in the records of the Convention and so has, in effect, brought new material to light. Mr. Bancroft, in describing the labors of the Committee of Detail (consisting of Rutledge, Randolph, Gorham, Ellsworth, and Wilson) appointed July 24, to draft a constitution on the lines laid down in the twenty-three resolutions referred to them July 26, wrote: "There is neither record nor personal narrative of their proceedings." In 1887 or thereabout, Mr. Moncure D. Conway found among the papers of George Mason a draft of a constitution in Randolph's writing of which he published an account with extracts in *Scribner's Magazine* in September 1887 and also in his *Edmund Randolph*. This draft Mr. Conway believed Randolph to have drawn up before the meeting of the Convention and later to have used in the sessions of the Committee of Detail. This document is now in the hands of Mrs. St. George Tucker Campbell of Philadelphia, a great-granddaughter of George Mason, and with her permission a facsimile of it is given in this volume. In a critical appendix Mr. Meigs proves beyond a doubt that this document is an outline draft prepared by Randolph *on the basis* of the twenty-three resolutions for the Committee of Detail to use as foundation of their draft. The identification is so clear that one wonders that Mr. Conway could have missed it, and by it Mr. Meigs places in our hands one of the most important documents of the Convention. How this draft came to be in the possession of George Mason is unknown. Mr. Meigs conjectures that Mason may have inspired it in some measure. He also tells us that a similar draft in the handwriting of James Wilson, but much more nearly corresponding to the final draft of the Committee, is preserved among the Wilson papers in the collections of the Historical Society of Pennsylvania. This like the Randolph draft contains marginal notes in the hand of Rutledge, the chairman of the committee. It would, I think, have been a material addition to his work if Mr. Meigs had printed both these drafts in their order among his documents between the twenty-three resolutions and the report of the Committee. Randolph's hand, though very legible, is painfully fine and, as Mr. Meigs constantly refers to this Randolph draft in the body of his work when following up the history of the separate clauses, it would be a great convenience to be able to refer to the text of it as easily as one can to the other documents.

EDWARD G. BOURNE.

*Salmon Portland Chase.* By ALBERT BUSHNELL HART. [American Statesmen Series.] (Boston and New York : Houghton, Mifflin and Co. 1899. Pp. ix, 465.)

THE author tells us in his preface that it is less the purpose of this book to give a detailed account of Mr. Chase's life than to present him as the central figure in three historic episodes: the Western political anti-slavery movement, the financial measures of the Civil War, and the

process of judicial reconstruction. Mr. Hart has therefore followed the historical rather than the biographical method of treatment and although the general reader will miss something of the picturesqueness of a more personal narrative, the work is perhaps of greater value as a political study on this account. The entertaining incidents of Chase's early life described in Schucker's biography have been mostly omitted, but the opening chapters of Mr. Hart's book are models of concise and graphic historical style.

We have a realistic picture of Cincinnati in 1830 and of Chase's beginnings at the bar in that city. His professional career was successful and in the recesses of his most intimate correspondence he still appears "an upright man, an honest lawyer and a faithful trustee." Next follows an account of the genesis of the anti-slavery movement, especially in the West. James G. Birney, a Kentuckian, was one of its prominent figures. In 1836 he published *The Philanthropist* at Cincinnati, but his printing-office was broken into by a mob and badly damaged. It was at this time that Chase first began to recognize the slave power as the enemy of freedom of speech and of the press, and he took an active part against the mob, although he long disclaimed the hated epithet of "abolitionist." Indeed the anti-slavery men of Ohio were of quite a different kind from Garrison and Phillips, who advocated disunion and an aggressive warfare on slavery even in the slave States. Chase thus expressed his views in a letter to Theodore Parker :

"The general government has power to prohibit slavery everywhere *outside* of slave States. A great majority of the people now accept this idea. Comparatively few adopt the suggestion that Congress can legislate abolition *within* slave States . . . I say, then, take the conceded proposition and make it practical. Make it a living, active reality. Then you have taken a great step. Slavery is denationalized."

In 1840 the "political abolitionists," as they were called, broke away from the Garrisonians and nominated Birney for the presidency. Chase did not then sympathize with this movement but still remained in the Whig party and supported Harrison, whom he personally knew and hoped to influence. Harrison in his inaugural however took ground against interference with slavery and it was not long before Chase left the Whig party forever. He attended the Liberty Convention at Buffalo in 1843 where Birney was again nominated. In 1848 he presided at the Buffalo Convention called to support the Wilmot Proviso, at which Van Buren became the candidate upon a platform demanding "free soil, free speech, free labor and free men."

A rather complicated political situation, fully described in the biography, now led to the election of Chase to the Senate as a "Free Soil Democrat." In the description of his career in that body we have a full discussion of the slavery question and the other issues in which he took part, but perhaps hardly enough of the living, speaking Chase. The Ohio Senator was the strongest assailant of Clay's compromise measures of 1850. He declared it to be the duty of Congress to prohibit the

extension of slavery into the national territories. He insisted that the California question had already been settled by the California constitution. He denied the power of Congress to legislate concerning fugitive slaves. He refused to be moved by the threats of secession. "We of the West," he said, "are in the habit of looking upon the Union as we look upon the arch of heaven, without a thought that it can ever decay or fall."

But his supreme opportunity came in the debate upon the Kansas-Nebraska bill. Mr. Hart gives an admirable description of the elements of strength and weakness, both in the bill itself and in the extraordinary man who now thrust this new issue upon the country. Then follows an account of Chase's "Appeal to Independent Democrats." After the bill passed, Chase declared that the Whig party had been rent in twain and that the Northern wing would unite with the independent Democrats in a new organization. Douglas fiercely denounced such a sectional coalition as involving servile war, disunion and treason. "I accept your challenge," he said, "raise your black flag; call up your forces on the Constitution as you have threatened it here. We will be ready to meet all your allied forces." "With that challenge and the reply," says the author of the biography, "the discussion of the Kansas-Nebraska bill ended in the Senate and the Republican party began."

In July, 1855, the anti-Nebraska Republicans nominated Chase for governor of Ohio. He was elected. He made an excellent executive, but unfortunately he now began (in the words of the biographer) "to muse upon that picture of *President* Chase which came back to his mind every year during the rest of life." He tried to secure the Republican nomination for the presidency in 1856, and after he had been re-elected governor, he conducted in his own behalf a long and anxious canvass to win the same prize in 1860. Seward was apparently his chief competitor. He never looked upon Lincoln as a serious rival until the convention. But Chase found a divided delegation from Ohio and few supporters in other states and he got glimpses of political intrigues into which he could not descend. These side-lights, as well as a description of the boss system in New York under Thurlow Weed, are serviceable to those who deplore the degeneracy of politics to-day.

In spite of bitter opposition Chase was appointed Secretary of the Treasury and amid the throes of secession Lincoln's cabinet began its work. The first critical question was that of relieving Fort Sumter. Seward and Chase both advised that no step leading to hostilities should be taken, but Chase thought that to send provisions to the fort ought not to lead to civil war. He wrote of his own position at that time "that there were two alternatives: first that of enforcing the laws of the Union everywhere, and second, that of recognizing the actual government of the seceded States and letting the Confederacy try its experiment of separation, and that knowing that the former involved destructive war and thinking it possible that by the latter this evil might be avoided and the return of the seceders secured after an unsatisfactory experiment, he pre-



ferred the latter alternative." No one can read the history of this time without seeing how much greater was Lincoln than the statesmen around him. He alone foresaw the fatal consequences of secession and clearly understood that the issue had to be met at once.

By Chase's vigorous and patriotic management of the Treasury, the credit of the government was immediately strengthened, and later, when Congress met in December, 1861, he presented to that body a comprehensive scheme for taxes, loans, notes and national banks. But his measures were pushed aside until specie payments were suspended and the treasury was empty. Then there was hurried legislation with little regard to the plans of the secretary. He had no control over expenditures and for much of the confusion that arose he is not responsible. The result however shows that he did not fully estimate the ability of the country to endure heavy taxation.

When the legal tender act was proposed, Chase saw the danger of the measure and called a conference of bankers with committees of Congress to find some counter-plan. But this came to naught and Chase opposed the legal-tender clause no further than by expressing a regret that it was considered necessary. It is hard to see even now how the measure could have been successfully averted.

The scheme for national banks was a creation of his own, but he found Congress reluctant and it was not until February, 1863, that the first act was passed; and not until March, 1865, after Chase had resigned, that a tax of 10 per cent. upon state bank notes perfected the scheme and made the notes of the national institutions the only bank currency of the country. Although this system may be unsuited to our present needs, it has stood the test of over thirty years' experience with excellent results and no one can compare it with the chaos of irresponsible state banks which it superseded without feeling that this device alone entitles Chase to a high rank among the great financiers of America.

He was the representative of the radical wing of Lincoln's cabinet, while Seward was the leader of the conservatives. For a time, however, even Chase was little in advance of his colleagues in respect to emancipation. When Fremont proclaimed freedom, Chase defended Lincoln in annulling the proclamation. Yet when the same thing afterwards happened with Hunter, Chase tried ineffectually to have the President's order revoked.

There appears in Chase's diary an interesting account of the cabinet meeting at which Lincoln considered his preliminary emancipation proclamation. When the final proclamation was made on the first of January, 1863, it concluded with the words which Chase had suggested: "Upon this act, sincerely believed to be an act of justice, warrantable by the constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God."

It was unfortunate that one who possessed so many high qualities should have been a prey to his own boundless egotism. As a result this great man was infinitely small in many small things. His self-complacency

appears upon almost every page of his correspondence and his elaborate diaries and this, together with his disposition to find fault with others—most of all with his magnanimous and kind-hearted chief—casts an ugly shadow upon a life otherwise noble, honest and patriotic. In matters where his own ambitions were concerned he seemed to lose all sense of propriety and of perspective. He sought to intermeddle in the affairs of other departments and in the conduct of the war. He wrote fulsome and flattering letters to generals, politicians, personal friends—to everybody, complaining of the mismanagement of the administration, of the slights which were put upon him and the disregard of his infallible counsels. He wanted the cabinet to become an executive board in which the President was to have little more influence than anybody else. He intrigued for the Republican nomination in 1864 without any apparent conception of the impropriety of the act. Over and over again (believing his own services to be indispensable) he flung his resignation into Lincoln's face in order to discipline the President. These things appear even more clearly in the vivid accounts given by Nicolay and Hay and by Mr. Rhodes than they do in the book before us. Still Professor Hart has been entirely just in his estimate of the foibles as well as of the high qualities of the secretary.

At last Lincoln took him at his word and accepted his resignation. No one could have been more surprised than Chase. His criticisms of the administration became more bitter than ever, and for a while it seemed doubtful whether he would support Lincoln for the presidency. In spite of all this the President nominated him for Chief Justice when Taney died.

Chase's appointment to a judicial office did not withdraw him from all active participation in the political events of the time. It was his hand that drew the original draft of that part of the Fourteenth Amendment which provided that if suffrage were restricted by any state, the basis of representation should be correspondingly reduced, and that no debts incurred on behalf of the rebellion should be paid.

In the impeachment of President Johnson, Chase presided with dignity; his rulings showed calmness and good judgment and did much to give the proceedings a judicial character. Unfortunately, he permitted his friends again to urge him for the presidency. He had already become tired of judicial office, "of working from morning till midnight and no result except that John Smith owned this parcel of land or other property instead of Jacob Johnson." But the Republicans were determined to have Grant, and then within a few weeks Chase was found seeking the Democratic nomination. Naturally such conduct awakened the resentment of his former associates, and his name was barely mentioned in the Democratic convention. In 1872 we find him again pulling wires, and declaring that "if his nomination would promote the interests of the country he would not refuse the use of his name."

The career of Chase during his last years upon the bench was highly creditable, though his itching for the presidency had weakened his influ-

ence. His greatest opinion was that delivered in the case of *Texas vs. White*, which determined the status of the Southern states during the war. "The Constitution," he said, "in all its provisions looks to an indestructible union composed of indestructible states." Hence the acts of the seceding legislature were null, but although the obligations of Texas were not impaired, its federal relations were affected and under the power to guarantee to every state a republican form of government, Congress had the right to provide for reconstruction. The decision was not only sound in law, but wise in statesmanship, if statesmanship ought ever to play a part in the decisions of the Supreme Court. From the discussions in Mr. Hart's volume, one would suppose that the judges were often actuated by purely political considerations. This they would hardly be willing to admit, nor is it probably true to the extent which seems to be implied. At the same time the political bias is very strong with all of us, even when we are unconscious of it.

In the *Veazie Bank* case, Chase as Chief Justice upheld his own course as Secretary in regard to the ten per cent. tax on state bank notes, yet in the legal-tender cases he was great enough to discard consistency and to declare his own former acts illegal, by holding that the Constitution had not authorized the issue of notes which should be a legal tender for debts contracted before the statute was passed.

After this decision two new judges were appointed by Grant and in the *Latham* case the decision was reconsidered and overruled by a bare majority of the court. However great the temporary convenience of this second adjudication, the time may yet come when our republic will realize how dangerous it was to declare constitutional a law authorizing an issue of irredeemable paper currency as a legal tender for past debts.

Mr. Hart insists that next to Lincoln, Chase was the most eminent statesman in the important periods of the war and reconstruction; that he was a greater man than Stanton, Seward, Sumner, Thaddeus Stevens, or Charles Francis Adams. Probably this is true. Each of these men had serious limitations and our country has great reason for congratulation that during its stormiest period they were under the leadership of one who possessed more eminent qualities than any of them. Yet Chase is certainly a less interesting and attractive personality than several of the others. His character lacks many of those picturesque features which brighten the pages of biography.

Mr. Hart, both in his narrative and in his criticism, has displayed in the highest degree his impartiality as well as fidelity to the truth of history. His work will always be an authority.

WM. DUDLEY FOULKE.

*The Life and Times of Hannibal Hamlin.* By his Grandson, CHARLES EUGENE HAMLIN. (Cambridge: Printed for the Author at the Riverside Press. 1899. Pp. xi, 627.)

FOR a successful "life and times" of any one, there are two prerequisites—an important central figure and a skilful writer. Both are



lacking in the present case. Persons interested in the political history of Maine during the half-century after 1835 may find compensation for reading this narrative, but as far as national affairs are concerned there is surprisingly little that is either new or valuable. No one with a correct conception of historical proportions would have given serious thought to writing a biography of Hamlin more than one-fourth or one-fifth the size of the present volume. Hannibal Hamlin was a straight-forward politician possessing sound judgment and substantial abilities; he was a good man, a rugged character, and an excellent example; but that he was great or brilliant or very influential, has never yet been made clear. His rise to a conspicuous position was due to peculiar circumstances.

In his early years he figured and succeeded in Maine as a Jackson Democrat. In 1843 he was elected by the Democrats as a representative in Congress (p. 51). In 1848 he was advanced to the Senate to fill a vacancy, and in 1851 he was chosen for a full term. About equally distant from Free-Soilism and pro-slavery Democracy, he was a good exponent of the opinion of his party constituents. So when Douglas, in 1854, led in the repeal of the Missouri Compromise, Hamlin did not follow, nor did he subscribe to the heroic "Appeal of the Independent Democrats," but safely voted with the opposition—and continued to be a Democrat for two years after the commencement of the formation of the Republican party.

There was a strong suggestion of gifts for politics in the time and manner of his moving bag and baggage from the Democratic to the Republican ranks. This was not until a few days after the Democratic national convention of 1856. Then he rose in the Senate and said:

"During nine years of service in the Senate, I have preferred rather to be a working than a talking member, and so I have been almost a silent one. On the subjects which have so much agitated the country, senators know that I have rarely uttered a word. . . . I believed it [the repeal of the Missouri Compromise] wrong then; I can see that wrong lying broadcast all around us now. As a wrong I opposed that measure—not indeed by my voice, but with consistent and steady and uniform votes. . . . I did it also cheerfully, in compliance with the instructions of the legislature of Maine, which were passed by a vote almost unanimous. In the House of Representatives of Maine, consisting of 151 members, only six, I think, dissented; and in the Senate, consisting of 31 members, only one member non-concurred" (p. 287).

These sentences leave very little to the imagination, and do not indicate any surprising independence. Yet it meant a great deal politically when Hamlin thereupon declared his separation from the Democratic party and his allegiance to its new rival. The biographer calls Hamlin "a father of the Republican party." Considering the circumstances, it would be more accurate to call him her step-son. But the Maine senator, whose term was about to expire, understood the conditions. He was soon nominated as the Republican candidate for the governorship. His election followed; and in the same week when he assumed his new office,

he was chosen for another term in the Senate, where he returned March 4, 1857, as a Republican, without having lost any time and with greatly increased political importance. These moves made him the most prominent of the Republicans with Democratic antecedents.

When, in 1860, the Republicans, contrary to general expectations, nominated Lincoln, a Westerner of Whig antecedents, it was important to choose an Easterner belonging to the Democratic wing of the party. Hamlin was the most available of the aspirants of the time and was soon agreed upon. If Seward had been given the first place, some Westerner or border-state man, such as Cassius M. Clay, would have been the candidate for the vice-presidency. Hamlin presided over the Senate with dignity and good judgment, and kept up close relations with Lincoln, but his influence upon the measures of the war-period is hardly appreciable in comparison with the work of such senators as Sumner and Trumbull.

Naturally the grandson writes feelingly about the failure to renominate Hamlin in 1864, but he ought not to regard it as a personal matter. As a vice-president has hardly any opportunity to gain popularity in office, and is therefore almost certain to lose what he had, political expediency is likely to cause him to be supplanted by some one that can attract new support to the ticket. The presidency of Johnson was such a national calamity, that there has always been a lively regret that Hamlin was dropped. Undoubtedly Lincoln personally favored Hamlin, but he saw the force of the suggestion that a Southern Unionist with Democratic antecedents would help to shield the Republicans from the charge of caring more for the negro than for the Constitution. When in 1891 Colonel A. K. McClure publicly stated that Johnson had been chosen in obedience to instructions from Lincoln, it created a great sensation. There has been a vast amount of quibbling and posing in regard to this question, and what the present author says does not help much; but the long statement from Colonel Nicolay, quoted in the supplement, must be regarded as final, and is historically the most valuable part of the book.

After retiring from the vice-presidency Hamlin became collector of the port of Boston. But when Johnson came into violent disagreement with Congress in 1866, Hamlin dramatically resigned a very lucrative office, and soon began to work for re-election to the Senate. He was so successful that he obtained two more terms, from 1869 to 1881. During this period he maintained his position of honorable mediocrity. His chief distinction was that he had been the first Republican vice-president and Lincoln's associate. His sympathies in the Reconstruction period were with the radicals, the spoilsmen and the expansionists, and he felt an intense dislike for the soothing influences introduced by President Hayes. Two of the best things he ever did were, when chairman of the Senate committee on foreign affairs, to support the principle of arbitration by insisting that the United States were morally bound to accept the unwelcome award of the Halifax Commission of 1878 (p. 538), and to argue with great force that the rights of China under the Burlingame

treaty should be respected as carefully as if our government were dealing with the first of European powers (p. 540). In 1881 he was appointed minister to Spain with the understanding that he might spend part of his time in travel and resign after one year.

This volume settles for all time that Hamlin spent a long life among great men, but that he was not of them. And the painful expanse of the narrative, with its exaggerated metaphors, political slang and too frequent quoting of *damns*, and worse, remind one of the remark of the countryman when his friend, Franklin Pierce, was nominated for the presidency: "Frank's a dern big man up here in Noo Hampshire; but I guess when they come to spread him out over the hull country, he'll be poorly thin in places."

*Contemporaries.* By THOMAS WENTWORTH HIGGINSON. (Boston and New York: Houghton, Mifflin and Co. 1899. Pp. 379.)

FROM the name of its writer, it goes without saying that this book will be found delightful reading. But it is more than this. It will have to be reckoned with by future students of the literary, poetic, social, reformatory, perhaps even military history of the period it covers. The word military is thrown in with a perhaps, solely for the reason that the volume contains but one estimate of a soldier, General Grant; but this done in so masterly a way as to draw an authentic portrait worthy to be hung up where it will long be seen.

One great difficulty students of past history encounter is that of getting at vivid details of the salient characteristics of the eminent men or women they are trying to understand, details given by a contemporary with an eye in his head, as well also as with a breadth of appreciation, an insight, a sense of humor, and a loving charity that will furnish a genuinely human portraiture. Such eyes are rare features in the heads of writers of memoirs. Too often are their memorial optics so short-sighted, long-sighted, astigmatic, or asquint, as to render their pictures hardly more reliable than those of a landscape seen through a boggling lens of bull's-eye glass. Col. Higginson, on the contrary, has a widely sympathetic nature, and is the last man to say, "Because thou art virtuous, shall there be no more cakes and ale?" which means that he can at once enjoy the stern Spartan rigidity and unbolted moral bran diet of a William Lloyd Garrison and the exquisite sense of irresponsibility and bobolink insouciance of a John Holmes.

Perhaps the majority of the portraits Col. Higginson paints are those of men and women identified with the "Abolition Movement." "Well, what sort of everyday personalities were they?" will ask many a student in the future. Let him, for example, turn to the portrait of Lydia Maria Child and he will find out—he startled, moreover, at the same time, with an insight into New England, its plain people, their struggles and aspirations, that will make things actualities to him. This is the only way to light up history. The abolition agitation was no mere breaking of lances



between abstract principles horsed on the air. It was a matter of throes and agonies. It was a life and death dead-lock between desperately human powers—between dogged materialists and fiery humanitarians, between the living issue of man a pawn in the chess-game of political ascendancy and man an heir of a divine birthright in God. Here, for one, was a woman who felt the issue in every nerve and fibre. But at the same time what a hearty, humorous, child-loving, home-brewed, potato-paring and prodigally-dispensing millionaire of charity she was. Leave out such vital factors in the making of the history of emancipation, along with their reaction on duller sensibilities, and what is such history but a dry-as-dust compilation?

What sort of a man, again, was John Brown of Harper's Ferry? Public documents will give one the outward events of such a life. But what was he inside? It is only familiar private records of this kind that help one to say. Visit his home in the Adirondack wilderness along with Col. Higginson, and the reader will find out; yes, all the ins and outs of so exceptional a make-up. So throughout the varied range of characters whose portraits the writer paints, perhaps with the one exception of Walt Whitman, evidently a personal *bête noire*. The warts are not left out, nor are the sitters allowed to strike mock heroic attitudes, nor to "call up looks" after the manner of the excellent wife of the Vicar of Wakefield. A great preacher and platform speaker, like Theodore Parker, comes forward in all his admixture of a certain ungainly rusticity with dominating power. A magnetic orator, like Wendell Phillips, is presented with all the advantages and all the drawbacks inherent in such unstable temperaments. But the individual traits are painted in with a brush which mixes its colors as Opie said he did his—"with brains, Sir!"—that is, which mixes them with love, insight, breadth of appreciation, kindly humor, and quick responsiveness to everything noble and enkindling.

*The Story of the Civil War.* By JOHN CODMAN ROPES, I.L.D.  
Part II. (New York: G. P. Putnam's Sons. 1898. Pp. xii, 475.)

THE second volume of this interesting work by John Codman Ropes makes good the promise of the first. It is incontestably the most intelligent as well as the most complete and impartial analysis of the campaigns and battles of the Great Rebellion, so far given to the world. The author has used his abundant materials with all the acumen and skill of a trained lawyer and critic and with unerring certainty, in the singularly clear and succinct narrative, which he has given us. It is only when the motives and personal characteristics of the actors in the great drama are important factors in determining the course of events that we perceive any uncertainty in the story, and this, if a fault at all, is one which it is almost impossible for an author, who was not himself a participant in the war, to avoid. Mr. Ropes, however, enjoyed very un-

usual opportunities, as the founder and leading member of the Military Historical Society of Massachusetts, to make intimate acquaintance with many of the most distinguished survivors of the war, and hence his opinions as to the personal peculiarities of the great leaders are as likely to be correct as those of any other writer. His narrative is remarkably free from prejudice, and is nowhere marred by the bias of personal friendship or personal enmity. On the other hand, his desire to appear impartial perhaps causes him to praise Lee and Jackson excessively, and to condemn Halleck and Pope more than they deserve. It may be maintained also that he is unduly severe at times on the alleged ignorance of Lincoln and Stanton in military affairs.

The volume under consideration commences with the campaign of Donelson and Shiloh, in February, 1862, and ends with that of Fredericksburg, in January, 1863. It therefore covers the second year of the conflict, including the capture of Fort Donelson, the campaign of the Peninsula, the Seven Days' battle, and the incomplete victory of Antietam. The author demonstrates for the first time that the advance upon Fort Henry and Fort Donelson, although made by forces under the immediate command of General Grant, was suggested by Halleck, and carried into effect under his instructions. He also makes it clear that the capture of Fort Henry was due rather to the brilliant and irresistible attack of the fleet under the command of Admiral Foote than to anything done by the land forces. The advance from Fort Henry to Fort Donelson, but a few miles away, followed with promptitude. The details of the conference between the Confederate commanders inside of Fort Donelson, the declension of the responsibilities of command by the seniors in succession, and the considerations which moved Buckner, as the final commander, to surrender, are all fully set forth in the text in a novel and interesting manner. The doubts of General Grant; the varying fortunes of the day; the Confederate denunciation of Floyd, Pillow, Buckner, and Johnston; the committee of inquiry appointed by the Confederate Congress; and the failure of the American fleet to accomplish at Fort Donelson what it had accomplished at Fort Henry, are all set forth in their order, and well sustain the conclusion reached by the author, that the task which General Grant had successfully accomplished, although the first great Union victory gained in the West, was not one which called for the highest and rarest qualities of generalship; that his work was laid out for him by Halleck, upon whose shoulders rested the responsibility of deciding whether or not the task was feasible, and, if feasible, whether it was proper to attempt it at that time.

The author, however, fails to indicate the great advantage of this victory to General Grant in giving him confidence in all his future operations. It is also to be noted that it gave him a certain contempt for the excessive delays which afterwards became so fashionable in the eastern armies for purposes of organization and instruction, and which had such unfortunate and costly results in connection with the career of General McClellan.

The incident of Halleck's suspension of Grant because of the latter's unauthorized movement to Nashville is passed over lightly by the author, but it gives emphasis to the fact that if General C. F. Smith had lived he would have succeeded to the command of that column, and, as General Sherman afterward wrote, it is altogether probable that with such a soldier as Smith in chief command, neither Sherman nor Grant would have been afterward heard from.

Indeed the Shiloh-Corinth campaign constituted one of the most important periods of General Grant's life, for it was during that campaign that his great intimacy with Sherman was established. Having been treated by Halleck with marked reserve and disrespect, it was General Grant's purpose to tender his resignation and to return home, but through the advice of Sherman, who was also treated with some reserve, he concluded to remain, holding his nominal position of second in command, but performing no duties whatever. He came into the actual command of the Army of the Tennessee only after Halleck had been called to Washington. It was also during this campaign that Grant became acquainted with General Thomas and that a feeling of distrust, if not of enmity, grew up between them. The sympathy between Grant and Sherman, no less than the distrust and lack of cordiality which characterized the relations between Grant and Thomas, were important and interesting factors in the course of the war from that time forth.

The author points out with admirable clearness the faults of the Shiloh campaign, and shows that the Federal commanders were greatly to blame for neglecting ordinary precautions in the selection and fortification of their camp-sites at Shiloh, and leaves no room for doubt that, contrary to the contentions of both Grant and Sherman, as set forth in their memoirs, the army under their command was surprised in its camps.

This year is also notable for the fact that it had great influence upon the future of both Grant and Lee as leaders of the opposing forces. Grant, it will be remembered, was doubted and distrusted from the start, and had no larger command than that of a department until after the capture of Vicksburg and the defeat of Bragg at Missionary Ridge; while Lee was regarded from the first by the Confederate authorities as the greatest general of the time, and was practically a military dictator from the day he assumed command on the Chickahominy. This lack of confidence in Grant on the one hand was a most important factor in bringing about the delays on the Federal side, while the absolute trust in Lee on the other had a powerful effect in determining the aggressive policy of the Confederate authorities.

The author describes with rare patience and industry all the circumstances leading to and characterizing the Peninsular campaign. He presents the facts of McClellan's operations, of the attitude and doubt of the Administration and of the Confederate movements, with a broad and comprehensive fairness which is followed by the reader with such ease as to bring conviction to his mind on all controvertible points; but in reference to the advantages and disadvantages of the plan of operations adopted



by General McClellan the narrative is far from satisfactory. For years it has been a mooted question between the friends of McClellan and the free critics as to whether the transference of the Army of the Potomac from its position in front of Washington to the Peninsula by water was, under the circumstances then existing, sound or false strategy. It is to be regretted for the sake of military students that the author does not go into this question. It is difficult to see how that plan of operation could have been justified unless the Federal government had had at its disposal another army of equal strength for the defence of Washington. It is apparent that during this period the Confederate forces, had they been collected and ready for offensive operations, and had Jackson not been detached for an expedition into the valley of Virginia, could have marched from Richmond to Washington and back again, had an abundance of time to fight all the battles that could possibly have been fought, and still have reached Richmond or the line of the Chickahominy in ample time to resist McClellan's army in its final onset. The Confederate movements shine merely by contrast, and when their results are considered, it will be perceived that they were mainly due to the fact that Lee's position was closer to the direct line which separated the two vital points of the theatre of war than McClellan's.

In view of these larger considerations, it seems to us that while the author justly criticizes McClellan for his incompetency and for his lack of aggressive temper, he is unnecessarily severe upon Mr. Lincoln and Mr. Stanton for their division of the theatre of war into separate districts, and for their exercise of military command in pursuance of their constitutional and legal obligations. Their success in planning campaigns was at least as great as that of the military leaders with whom it was thought that they should have had more frequent conferences, or as that of Davis, an educated soldier, who had had experience in the Mexican war as a regimental commander, and had afterwards won distinction as Secretary of War. It is worthy of special mention that both the President and Secretary Stanton came ultimately to fully trust their military subordinates when the latter had sufficiently developed their capacity to entitle them to confidence.

While it may be doubted that General Robert Edward Lee was, as is asserted by the author, "the most accomplished soldier of the day," or that he always employed his extraordinary opportunities in a manner to justify his being ranked with captains of the first order, it is evident that the advantages of the year's operations in Virginia were largely in his favor, and failed to end in complete success principally because he was outweighed by the superior numbers and more ample resources of the national government.

The limits of this paper will not permit us to follow the details of the operations from Fortress Monroe to Malvern Hill, nor from the Rappahannock to Centreville. We must content ourselves with praising the author's narrative of the actual events as leaving nothing whatever to wish for, unless, indeed, it be a little more charity for Pope, who, what-

ever else may be said, notwithstanding the extraordinarily disadvantageous conditions which prevailed, commanded the troops under his orders with a vigor and determination which had not so far characterized any other commander of that unfortunate army.

The author's account of the campaign and battle of Antietam is singularly clear and correct. It shows from the very start, that McClellan, who after Pope's discomfiture again fell heir to the chief command, was unpardonably slow, if not timid; that after he discovered, through finding a copy of Lee's order giving the details of his proposed operations against Harper's Ferry, that his antagonist's army was scattered, and that a great opportunity had been presented to him for a signal victory, he still continued to move with the most torpid indifference. The writer was present as a subaltern during the entire campaign, on the staff of McClellan, and personally knows that on no day did the army as a whole make more than a good half-day's march. Of course the subordinate officers were unaware of the wonderful advantage which had been put into McClellan's hands by the fortunate finding of Lee's order, but all who were connected with the staff were profoundly impressed with the necessity for more rapid operations, and the ease with which they could be made. But if McClellan was, as is convincingly shown, slow and weak in his movements, it is made equally clear that Lee's plan of operations, especially the detachment of the larger portion of his army to operate upon Harper's Ferry, was in violation of all the rules of scientific and aggressive warfare. If he had held his army together and fought an offensive battle against McClellan, who was marching out to meet him, he might not only have defeated that unready commander, but he would have been quite as certain to capture Harper's Ferry on his return into Virginia, after the battle, as before.

The author's narrative is no less admirable than his criticism, so far as it goes, but here again personal acquaintance with the commanders on the opposing sides would have enabled him to tell a more interesting story, by supplying an insight into the personal and private characteristics of the various leaders; of those notable commanders Franklin and Wm. F. Smith for instance, or of Hooker, whose subsequent conduct, in view of the slightness of the wound received by him at Antietam, was extraordinary.

Nothing can be more clear than that abundant opportunity was offered to each of the armies engaged in the battle of Antietam, to gain an overwhelming victory. The difficulty then was, and it may be said, nearly always is in the case of a great battle, that neither leader can know what is passing in the camp or lines of the other, until long after it is possible for him to avail himself of such advantage as might be offered thereby. It is safe to say that, had either Lee or McClellan known the exact situation in time, in his opponent's lines, he could have won a great victory.

Again, the author calls attention to the important fact that neither of the armies, up to the battle of Antietam, had learned the lesson of hasty

fortification, and that neither made much use of any cover except that afforded by the accidents of the ground on which they happened to be fighting. We dwell upon this because, as shown by the subsequent stages of the war, there was no other single adjunct in a defensive battle, half so important as that of a line of rifle-trench or log breast-works, hastily constructed on the ground the troops were expected to defend.

As before stated, it was the writer's good fortune to volunteer and be accepted for service on the staff of General McClellan during that campaign. After the battle of Antietam, when the army had come to a dead standstill, he was detached, in pursuance of previous orders to proceed to the West, but was called back to the army, from Washington, as a witness in a court-martial case. Before leaving Washington, he was entrusted with a message from a distinguished statesman and soldier to General McClellan, to the effect that he would be shortly relieved of the command of the Army of the Potomac. On giving the General this information, which was received without surprise, he remarked, "Well, if I am relieved, I suppose I shall never have the command of another army; indeed, if such command were offered me, I should decline it. This army belongs to me as much as any army ever belonged to the man who created it, and if I am not permitted to command this, I do not care to command any." Whereupon the writer remarked, "General, your friends will expect you to take a different position. They will not only expect you to accept any command which may be offered to you, but, if none is voluntarily offered, they will expect you to ask the President for a command appropriate to your rank as a major-general. You, like the rest of us, are under the Law, and having been educated at the public expense, are under a solemn obligation to serve wherever your help may be needed by the constitutional authorities of the country. No person is capable of relieving you of this duty, and if the authorities do not give you such a command as you think you ought to have, it would be your duty to ask for a division; if you do not get a division, you should ask for a brigade; if that is declined, it would be your duty to go to the governor of the state of which you are a citizen, and ask for a regiment; if that is denied you, you should ask for the position of lieutenant-colonel, major or captain, and finally, if all is denied you, it would be your duty to take your musket as a private soldier. If you will act on this principle, you will be the next President of the United States." This seemed to be a new view of duty to him. He said frankly that his friends had never talked to him in that way, and, in bidding the writer good-bye, he remarked, with feeling, "Well, if I ever do have another command, I want you to promise me to serve on my staff." It is unnecessary to give further details of this incident. Its significance is due solely to the fact, that although McClellan disappeared shortly afterwards from military life, it is certain that he did not do so without having had his duty as a West Point man pointed out to him clearly and emphatically.

At the time of joining General McClellan's staff, we shared in the opinion which was then widely prevalent, that the Army of the Potomac



was the main dependency of the Union, and that McClellan was the one competent commander among the Union generals. When we left, it was with the conviction that the Army of the Potomac, while far from being a model, was good enough, and that although the national cause would surely triumph in the end, it would be through the possession of superior resources, and the exercise of "main strength and awkwardness," rather than through the strategic ability or the commanding qualities of its leaders. The long and bloody struggle which followed, under Burnside, Hooker, Meade, and finally under Grant himself, verified the literal correctness of this opinion.

The author tells with unfailing accuracy and a world of painful details the disheartening story of Burnside's unfortunate transfer of the army of the Potomac from Culpepper Court House to Falmouth. No nation ever had a more humiliating experience than the United States had in the campaign and battle of Fredericksburg, and no general ever showed himself more incapable than did Burnside, in the futile and inconsequential movements which were made under his command. It was in meeting those movements—they are unworthy of the name of operations—that Lee first displayed his wonderful instinct for discovering his antagonist's plan, and planting himself directly across his enemy's main line of advance. In the exercise of this instinct, no man of ancient or modern times ever showed more unerring judgment.

We regret to say in conclusion, that the maps accompanying this excellent work are far inferior in merit to the text. In most cases the scale is too small to properly show either the relative position or the strategic or tactical movements of the contending forces. In several cases important strategical or tactical points are entirely omitted. As this work is likely to be the best, if not the last technical history of the war, it is surely worthy of the very best maps and plans which modern art can produce.

Since the foregoing was written the distinguished author has died, leaving his work, like that of the Count of Paris, only a little more than half finished. This is a profound loss to history and to the country.

JAMES H. WILSON.

*East Tennessee and the Civil War.* By OLIVER P. TEMPLE, formerly an Equity Judge of Tennessee. (Cincinnati: The Robert Clarke Co. 1899. Pp. xvi, 588.)

THE author of this book was an active leader of the Union party in East Tennessee during the Civil War, and the disturbances that preceded the war and that followed it. He declares his purpose to be: "First, to rescue from oblivion certain important historical facts, fast fading from the memory of men, connected with the struggle in East Tennessee from 1861 to 1865; secondly, to vindicate the course of the Union people of East Tennessee in separating from their friends and kindred, South, and in adhering to the National Government."

The book is essentially a special plea for the East Tennessee loyalists, based upon facts, carefully collected, skilfully arranged, and treated with a degree of candor and fairness very unusual in works of this class. It has not been received cordially by some Southern men, but the objections are mainly to its inferences and conclusions, and not often to its statements of fact.

A just estimate of the work can be formed only by those who keep in mind the fact that it is a special plea. The facts are collated so as to support the proposition that the loyalists were right, but there is no attempt at distortion, no intentionally unfair use of facts. The author endeavors, by fact and argument, to maintain his proposition, which is frankly stated at the outset. He writes in a spirit of moderation and kindness. The other side of the story remains to be told. It is to be hoped that it will find an equally diligent and competent chronicler.

The early history of East Tennessee is briefly outlined, as it is presented in the standard histories of the state. The first important new matter appears in the chapters in which the anti-slavery movements in Tennessee are treated. These movements have not received, heretofore, the attention to which they are entitled. Judge Temple states that the "Tennessee Manumission Society" was organized in February, 1815, in East Tennessee. This is the date generally accepted, but the writer of this article has in his possession satisfactory evidence that this society, or another with the same purpose, was organized in East Tennessee as early as 1809. In all, sixteen manumission societies were established in East Tennessee. They were composed, almost exclusively, of Quakers and Scotch-Irish Presbyterians. When the Tennessee constitutional convention met in 1834, it received petitions for emancipation from sixteen counties in the state, eleven of these being in East Tennessee. Judge Temple declares that "the first out-and-out emancipation paper in the United States was published at Jonesborough, in the mountains of East Tennessee." The date was 1819, and the publisher, Elihu Embree, a Quaker. These chapters on slavery contain much new matter, and in themselves make the book valuable.

The unique political campaign of 1860, in Tennessee, and the state elections upon the question of secession in February and in June, 1861, are fully discussed and will interest students of history in all parts of the country. The chapter on the Unionist conventions at Knoxville and at Greeneville, in 1861, is almost entirely new matter, the more important facts being taken from the minutes of the conventions, which are in the author's possession and which were not known heretofore to be in existence.

Entirely new is the interesting account of the bridge-burning episode. This was an attempt, partly successful, by the East Tennessee loyalists, late in 1861, to destroy simultaneously all the important bridges on the single line of railway which then traversed East Tennessee. The Federal Government furnished \$2500 toward the expenses of the enterprise.

The hardships of the Tennessee loyalists, their exodus to Kentucky, where they enlisted, almost without exception, in the Union Army, and

their triumphant return with Burnside in September, 1863, are described with spirit and with much sympathy. The more important of the concluding chapters are devoted to the siege of Knoxville, to the antecedents of the Union party in East Tennessee, and to a discussion of the question: "Why were the People of East Tennessee Loyal in 1861?" The chapters on secession and on abolitionism in general, are perhaps the least interesting and important in the book. On these subjects it was hardly possible to present new facts or arguments.

The author devotes much space to the Unionist leaders, to whose influence, largely, he attributes the course of East Tennessee, at least two-thirds of whose inhabitants remained steadfastly loyal. Among these leaders were Andrew Johnson, Horace Maynard, William G. Brownlow, Thomas A. R. Nelson and Judge Temple. They were men of ability, courage and force, and unquestionably exerted great influence. But it is submitted that their influence was stimulative and not creative. They were influential mainly because they were representative. The essential causes of the loyalty of East Tennessee are to be traced in her history from the beginning. From 1809 an anti-slavery propaganda had existed there. The people as a rule were not slave-holders, the country was not adapted to slave labor, the churches opposed slavery and the people were intensely religious, and mountain people are proverbially independent and conservative. These large general causes made East Tennessee loyal in 1861 and the leaders were effective because they were in sympathy with the people.

Judge Temple has made a valuable contribution to the history of Tennessee and of the Civil War. There are "positive contributions to knowledge," which are of interest and of value in every chapter except those which re-state the early history of Tennessee and those which are devoted to the general subjects of secession and abolition, and these last are, nevertheless, interesting and valuable.

JOSHUA W. CALDWELL.

*Life of Charles Henry Davis, Rear-Admiral, 1807-1877.* By his Son, Captain CHARLES H. DAVIS, U. S. N. (Boston and New York: Houghton, Mifflin and Co. 1899. Pp. 349.)

THE chief claim of this biography to public notice is the light it throws on a number of interesting and important events of the Civil War, in which its subject was a distinguished actor.

Admiral Davis came of New England stock, his family living in Boston and Cambridge. He entered the Navy in 1823, after spending two years at Harvard. He was fortunate in having Commodore Isaac Hull as his first commander. His early experience was not unlike that of young officers of the day.

The departure came in 1840. With scientific tastes, he found the opportunity of returning to Cambridge, took his degree, and subsequently was employed in the Coast Survey. From now on to the Civil War, ex-



cept for a brief cruise in the Pacific, he was engaged in detached scientific duty, with headquarters in Cambridge. In 1849 he established the *American Ephemeris and Nautical Almanac*, in the opinion of his biographer his best title to distinction. A number of translations and scientific works were the result of habits formed at this time.

He was called to Washington in 1861. His first important service was as a member of the secret conference to formulate plans for combined military and naval operations; which is of interest in view of the public attention paid to the workings of the board of strategy in the Spanish War, then generally supposed to be a new idea. As a matter of fact, such duties will always be necessary and can best be performed by a permanently organized body, after the manner of the German general staff, which does its principal work in time of peace. Davis also served on the board that authorized the building of the *Monitor*.

His first war service was as chief of staff to Du Pont on the Port Royal expedition, an undertaking recommended by the conference. The outcome was the brilliant capture of forts by wooden ships, an almost unique example, as the biographer says. There had, however, been other historical instances.

Davis's next important duty was in command of the Mississippi Flotilla in the summer of 1862. He went out in May to assist Foote, who was sick; but he really took over the command at once, Foote leaving immediately for the North, though his flag was kept flying. In the decisive battles of Fort Pillow and Memphis the Confederate power on the river was practically annihilated. It was not until later that Davis flew his own flag; a fact, however, that does not detract from his credit. He returned to Washington the following autumn and became chief of the new bureau of navigation, where he remained till the end of the war. The thanks of Congress for his services enabled him to remain on active duty till the time of his death, which occurred at the Naval Observatory in Washington, in 1877, at the age of seventy.

Davis was among the half-dozen most distinguished naval officers of the war. The man himself is clearly seen in his own letters, which are freely quoted throughout the book. Those dealing with the war, in their criticism of men and events, are of permanent interest. One cannot fail to gain the impression in reading them that the author was a man of uncommon breadth of mind and ability, and one who bore responsibility lightly.

A letter somewhat out of keeping with the rest severely criticizes Preble for not capturing the *Florida* at Madeira, notwithstanding the neutrality of the port. It would be interesting to know if this view prevailed extensively in the service. The significance is that the *Florida* came to an end eventually in exactly in this way, being captured by the *Wachusett* in the port of Bahia, Brazil.

The biographer dwells on the changed conditions from old days, when an officer's success depended entirely on his own efforts. There was no naval academy before 1845, and the midshipmen entered the service too

young to obtain much previous schooling. He considers this condition to have been a not unmixed evil, as the good men came to the front naturally and the poorer ones dropped out. There is nothing in Davis's letters to indicate that he himself held these views. The idea is that the present "shallow and illiberal scheme" at the Naval Academy attaches too much importance to theory at the expense of practice. If this condition really exists, it can be corrected instantly by counting proficiency in drills and practical work as of equal value with theoretical study, which is not now the custom.

Captain Davis has made an interesting addition to naval literature. His own personality is kept well in the background, and in his allusions to his father there is less eulogy apparent than might easily spring from a son's pardonable pride in the career of a distinguished father.

ROY C. SMITH.

*Letters and Recollections of John Murray Forbes.* Edited by his Daughter, SARAH FORBES HUGHES. (Boston: Houghton, Mifflin and Co. 1899. Two vols., pp. ix, 351; vii, 264.)

Now that most of the great generals of the Civil War—and some of the smaller ones—have had their lives written, it is quite time to give to the public the memoirs of some of those great civilians who, without public office or personal fame, not merely provided for the nation the financial sinews of war but also much of the sense, the discretion and the patience which made its prolongation possible. No one of these was more valuable to his country from the outset than John Murray Forbes, of Boston. He was present at the very beginning, to take part in that wise divergence of the Northern troops through Annapolis which really saved Washington, a measure which originated with a plain railway superintendent and was opposed strongly by General Butler, although he characteristically claimed the credit of it when it succeeded. Forbes was practically, in his own phrase, "Secretary of the Navy for Massachusetts," at the outset, purchasing provisions and drawing on his own nautical experience for the instruction of captains. He was one of the half-dozen men who organized the great Sanitary Commission and sustained it. He vibrated between Boston, New York and Washington, always bracing up the financial side of the war and steadfastly keeping his own name out of print. He organized the New England Loyal Publication Society, of which he was president. He heartily sustained General Hunter's early efforts to enlist colored troops, long before Governor Andrew was permitted to undertake it. He was sent to England by the Secretaries of State and of the Navy with authority to arrange a loan of a million sterling on the security of twenty million dollars in five-twenty bonds, and, by his courage and fidelity, carried through ultimately his purpose, although at first sight it appeared a failure. He spent two years of the war in Washington with his family, expressly to retain his opportunity of usefulness, and was always the same keen, fearless, influential adviser.

When peace came, he put his great energy into railroad building and in his hands the Chicago, Burlington and Quincy Company grew from a mere feeder of the Michigan Central, 150 miles long, into the vast organization of to-day operating over seven thousand miles of railroad. Judge Hoar said that in the Civil War John Forbes "did more for his country than any other private citizen and we owed our success as much to him as to any other man"; and unlike many men who had distinguished themselves in the war, he at once turned to the works of peace and was almost equally useful there.

The descendant of an old Highland clan whom he himself dismissed as "probably a set of old cattle thieves," he had an intense family feeling and exercised a responsibility for all his kindred to the sixth generation. His mother being a Perkins, he shared the great prosperity of the Boston commercial house of that name, went from Round Hill School to their counting-room in Boston, swept out the store as youngest clerk, and was sent at seventeen to Canton, consigned to Mr. J. P. Cushing, his cousin, who had been twenty-five years in China and was returning home with a fortune—the first of the long line of Boston millionaires. "You know," young Forbes writes of Mr. Cushing, "that we have always looked upon him as many degrees higher than the Pope in all his glory, and I expected to feel a proportionate degree of awe in his presence" (I. 57). This was an amusing tribute to one of the simplest of men, who used to say that the chief advantage of his fortune was that he could wear old shoes. Returning home for a time, Forbes was married before he was twenty-one, and was soon sent out to China again. It is amusing to find him writing to his brother in 1836 cautioning him above all things not to invest some little savings in railroads, on the ground that they would prove a failure. He writes "I have good reasons to believe, from all I can learn of the English railways, that ours will prove a failure after the first few years; the wear and tear proves ruinous. At any rate keep clear of them" (I. 81). This from one who was subsequently among the railway kings of the country is sufficiently instructive.

His life-long anti-slavery feeling was due, as in the case of many others, to the murder of Lovejoy. He was present at the Faneuil Hall meeting and heard Wendell Phillips's famous speech. "I had never before heard his name, and few people outside of his class in college knew him as a man of talent. Up to that time I had been neutral or indifferent on the subject of slavery. That speech changed my whole feeling with regard to it, though the bigotry and pig-headedness of the abolitionists prevented my acting with them" (I. 100). Twenty-five years later, during the war, he wrote in somewhat similar strain to Mr. C. B. Sedgwick, who had just made an emancipation speech in Congress. "Treble conservative as I am, I sometimes get so disgusted with the timidity and folly of our moderate Republicans that I should go in and join the abolitionists if these last were not so arbitrary and illiberal that no man of independence can live in the house with them" (I. 317). This treble conservative attitude was the sort of self-delusion with which many



worthy men consoled themselves for their own radical action. It did not prevent him from being a persistent advocate of free trade (II. 222) and of woman suffrage (II. 205) or from bolting permanently from the Republican party on the nomination of Blaine.

Nothing can be more delightful than the daughter's account of his life amid the leisure of later years, especially in his summer home at the Island of Naushon. Mr. Emerson says of him there "Mr. Forbes at Naushon is the only 'squire' in Massachusetts, and no nobleman ever understood or performed his duties better . . . How little this man suspects, with his sympathy for men and his respect for lettered and scientific people, that he is not likely ever to meet a man who is superior to himself" (II. 111, 112). The whole book is admirably edited and written, with the simple affection of a daughter and in what Macaulay calls "clear woman's English."

THOMAS WENTWORTH HIGGINSON.

*The End of an Era.* By JOHN S. WISE. (Boston and New York : Houghton, Mifflin and Co. 1899. Pp. 463.)

THE era of whose end Mr. Wise writes is the life and thought which characterized Virginia and a part of the South, before the Civil War. When its end came in 1865, he was only a boy of eighteen. But, his father being a prominent man, he had excellent advantages for observation then ; while information and thought of later years have evidently added much. The student of American history will not dwell long on this book, but will get from it, besides entertainment, several instructive pictures of the old régime in Virginia and of the hard struggle of the Confederacy. Touching is its record, for instance, of the part of the conscientious mistress of a small plantation. Sick or worthless servants could not be given over to a hospital or be discharged ; she had burdens of care which were unknown where service was free. But that close tie between master and servant which the author saw in his own home, he did not find carried out on extensive plantations. A very striking picture is given of a slave-auction in Richmond from which, as a "night-mare," he went home "sick at heart." That slavery is gone he thanks God—"it was a curse, and nobody knows better than I the terrible abuses which were possible and actual under the system." He is equally frank about duelling (and one of his brothers, in defence of his father's reputation, fought eight duels in two years)—how absurd, he says, how utterly Quixotic it was as a way of settling personal differences ! Another good picture is given of society life which centered in Richmond. We see how, while the favored class had many opportunities, conditions in society as a whole were far from democratic. Mr. Wise states fairly the position of the overwhelming majority of Virginians in 1861. They did not wish either war or disunion ; but, taught to believe that the claim of a state on its citizens came before any claim of the general government, they had to answer the question, when Carolina fired on Sumter and federal troops were called out, on which side they should fight ! The

poverty of the Confederacy is well shown. Currency certificates were issued even by individuals—as by one fellow in Richmond, whose office was a small shed in a vacant coal-yard, containing a table, a small safe, a stack of sheets of bills and a stout pair of shears, and whose means of redemption were unknown. Iron became so scarce that furloughs were offered the soldiers as prizes for the most scrap iron collected, and men were known to start for shells even before they had exploded! The need of soldiers brought all men of fighting age into service, and age-limits were stretched far. Of the Wise family, within three years, the ex-governor, three of his sons and nine nephews had enlisted; and two of them had been killed and six wounded. Our author did some thrilling despatch work for General Lee, at the close of the war. The General then told the boy that the war was nearing the end which he had expected from the first. When Wise reached Richmond with some of the flotsam and jetsam of the Army of Virginia, he found men of the highest social standing trying to earn a living by any kind of work, some of it work like driving depot-wagons, which the negroes, busy in celebrating their freedom, had given up.

Mr. Wise accepts gladly the new era, but wishes that the old era may not be misunderstood. He makes one statement, which is heard occasionally, apparently taken for granted on general principles, that the Virginians, being opposed to slavery, would have worked out some practical plan for gradual abolition but for the abolitionists. He goes so far as to lay the blame on John Brown, saying that it was hard that the course of events toward emancipation should have been warped by one mad man. Recalling that such men as Washington and Jefferson found public opinion in Virginia, soon after the Revolutionary War and before the invention of the cotton-gin, opposed to any measure for abolition, we believe that any plan for it suggested by a Virginian after cotton had become a power and slavery had gotten into politics would have been as unacceptable to the South as the logic of Mr. Lincoln's Springfield and Cooper Union speeches, with which Mr. Wise even now is not much impressed.

The general reader would value this work more if some details which are not of general interest, together with a few adjectives here and there, had been omitted.

*Nos Estados Unidos.* Impressões Políticas e Sociaes. Por [MANOEL DA] OLIVEIRA LIMA, da Academia Brasileira. (Leipzig: F. A. Brockhaus. 1899. Pp. 524.)

IF it is true, as a writer in the October number of *La España Moderna* declares, that the absorbing thought of all intelligent minds in South America is what is generally called *Peligros Americanos*, in other words, the danger of annexation and absorption by the United States, then any contribution to a better understanding between Latin-America and ourselves will promote in no small degree, the advancement of peace and

the best interests of American civilization. Such a work has been undertaken by the Secretary of the Brazilian Legation in Washington in a series of essays published during the last four years in the *Revista Brasileira* and in letters to the *Rio Jornal do Commercio* and now collected under the above title.

Mr. Oliveira records his impressions and reflections under the following titles: "The Negro Problem"; "Effects of Immigration"; "Characteristics of the People"; "Influence of Woman"; "Society"; "The Political Fashion-Plate"; "Catholicism and Education"; "American Authors"; "Foreign Policy"; "Relations of Brazil with the United States"; "Colonial Policy." An American reader will naturally turn first to the last three chapters and to the one on the negro problem. In regard to this question in our Southern states, Mr. Oliveira sees no solution until the whites feel absolutely assured of their supremacy and security and the negroes resign themselves to social inferiority. It is uncertainty as to the future and, at bottom, the fear of the lapse of European civilization that gives occasion to the horrors of lynching. In Brazil, in the absence of so violent a race prejudice, the problem is different. What is there needed is a vigorous reinforcement of the white element by European immigration to prevent the decay of culture that otherwise will follow amalgamation.

Our foreign policy has been characterized, Mr. Oliveira says, by two qualities: Continuity and energy. In regard to our predominance in America he remarks: "Although at the end of the century we find a Chile abounding in energy and an Argentine people rich in its future, no American Republic can, even imperfectly, compare with the United States in the spread of a fusing population, in industrial development, in intellectual, not merely literary, progress, in energy, wealth, and splendor. The preponderance, then, of the United States is more than an obvious purpose, it is a necessary condition, and an inevitable result" (p. 365-366). On the other hand, "To express apprehensions of absorption is to confess inability to cope with the conflicts of civilization" (p. 453). As a whole the review of our foreign policy is an admirable specimen of impartial history.

In discussing religion the author says that American Catholicism, without a shadow of doubt, will be the Catholicism of the future. In the United States "the Roman system, nineteen centuries old and essentially progressive in its unchangeableness, shows itself to-day less reactionary, more liberal, more evangelical, in a word, more Christian than elsewhere." The opening sentence of the long chapter on our domestic politics, entitled "The Political Fashion-Plate," reveals the motive of Mr. Oliveira's conscientious and faithful portrayal of our national life and character. "The United States are, to-day, our fashion-plate in politics as was England in the time of the Constitutional monarchy, and our legislators now have recourse to Hamilton and Marshall, Story and Cooley as they formerly appealed to Blackstone and Bagehot, to Freeman and to Macaulay." The good and the bad sides of our politics are



set forth with a poise of judgment and a scientific detachment that remind one of Bryce and Tocqueville. That like both of these great publicists, so careful a student and observer from South America as Mr. Oliveira proves himself to be should feel and show a sincere admiration for the United States is a legitimate cause for gratification. A translation of this book into English would be welcomed here, but a translation of it into Spanish would render a great service to the cause of inter-American comity and friendly understanding.

EDWARD G. BOURNE.

The *Transactions of the Royal Historical Society*, Vol. XIII., contain the usual amount of interesting matter. Mr. C. H. Firth, in "The Raising of the Ironsides," describes the arms, equipment, horses, pay, maintenance, medical and religious organization, and discipline of Cromwell's famous regiment, with some words upon the Squire imposture, and five notes of Cromwell's from the Exchequer MSS. in the Record Office. The paper contains several additions to the studies of Colonel Ross and Alfred Kingston, but differs from the former in describing Cromwell's troops as harquebusiers and not cuirassiers. F. Hermia Durham, "The Relation of the Crown to Trade under James I." (the Alexander Prize Essay for 1898), discusses the economic changes of that time in commerce, agriculture, and currency. Dr. James Gairdner, "The Fall of Cardinal Wolsey," asserts the injustice of the Parliamentary procedure against Wolsey. And Mr. Frank H. Hill, in "Pitt and Peel, 1783-4, 1834-5," treats some questions of cabinet government.

There are also two papers in the field of general European history. In the first of these, "Politics at the Council of Constance," the Rev. J. N. Figgis holds that the Council of Constance first exhibited the conflicts of pure politics on the grand scale, in affirming the constitutional doctrine of popular sovereignty, and in exalting the principle of utility to the level of a divine ordinance. In the second, the "Origin and Early History of Double Monasteries," Miss Mary Bateson takes issue with M. Varin, who, in his *Mémoire sur les Causes de la Dissidence entre l'Église Bretonne et l'Église Romaine*, 1858, sought to prove that St. Rhadegund's foundation at Poitiers was the first example of a double monastery, or monastery for men and women, in Western Europe, and of Irish origin. Miss Bateson shows, with abundant evidence in support of her conclusions, that double monasteries arose in many countries and at many times as the natural sequel to an outburst of religious enthusiasm.

*History of Ancient Philosophy.* By Dr. W. Windelband, Professor of Philosophy in the University of Strassburg. Authorized translation by Herbert Ernest Cushman, Ph.D., Instructor in Philosophy in Tufts College. From the second German edition. (New York, Scribner, pp. xv, 393). This volume is a translation of Professor Windelband's *Geschichte der Alten Philosophie*, which for several years has been accessible

to the students of Greek philosophy in the series of Dr. Iwan von Müller, known as *Handbuch der klassischen Altertumswissenschaft*. It covers substantially the same ground as the first two hundred and sixty-two pages of his general *History of Philosophy* (translated by Professor Tufts). The method of treatment in the present volume is, however, sufficiently different to render it more than a duplication of what appears in the larger work. In his general *History of Philosophy* the treatment has special reference to the problems and concepts of philosophy and is determined throughout by a rigorous endeavor to trace their logical development. While Professor Windelband always emphasizes this pragmatic factor in his historical writing, the present work contains a fuller treatment of the life and personality of the individual philosophers and follows in the main the chronological order. The result is that the reader has before him in successive pages the entire contribution of each thinker, instead of being compelled to construct that contribution from the more or less fragmentary and scattered discussions of the larger books. This is an obvious advantage for the general reader as well as for the student who is just beginning his studies in the field of philosophy.

Elements characteristic of Professor Windelband's interpretation of Greek philosophy appear in several parts of the work. Among them may be noted his treatment of the pre-Socratic philosophers who succeed Parmenides and Heraclitus. They are all regarded as attempting to find a mediating theory between the antithetic views of these two great thinkers. Here he includes the Pythagoreans, whom he sharply differentiates from the moral and religious reformer whose name they bear, but who is himself little more to us than a name. Almost no certain information concerning him has come down to us and the myths and legends which gather about him increase in bulk in direct proportion to the lapse of time.

Insisting with Professor Diels and other modern critics that the date of Democritus' birth is not to be placed earlier than 460 B. C., Professor Windelband brings his materialism into direct contrast with the idealism of Plato. He is thus able to present very effectively at this early period the opposition of a mechanical and a teleological view of the world.

Treating the post-Aristotelian period under the title of the "Hellenistic-Roman period," he not only includes here the schools usually studied, but offers a brief discussion of Patristics as well.

The English translation of Dr. Cushman is a creditable piece of work and will not a little extend the usefulness of an excellent piece of historical exposition. Professor Windelband's work is, I think, the best handbook of Greek philosophy extant. It is much more full and complete than Zeller's *Grundriss*, and as a scientific treatment is incomparably superior to the various elementary manuals which have been prepared in this country.

WALTER GOODNOW EVERETT.

*The Messages of the Later Prophets*, arranged in order of time, analyzed, and freely rendered in paraphrase. By Frank Knight Sanders, Ph.D., Woolsey Professor of Biblical Literature in Yale University, and

Charles Foster Kent, Ph.D., Professor of Biblical History and Literature in Brown University (New York, Scribner, 1890, pp. xx, 382). This is a companion to *The Messages of the Earlier Prophets* by the same authors (1899). As is set forth in the title, the discourses of the prophets are arranged in chronological order so far as their age can be determined. Each section is preceded by an introduction on the prophet, the times, and the occasion of the utterance, where this is known. The substance of the prophetic message is then reproduced in a condensed paraphrase, with explanatory titles, and marginal notes indicating briefly the contents of each paragraph and giving running references to the English version, to which the paraphrase may thus serve as key. There is also a general introduction on the distinctive character of exilic and post-exilic prophecy, an analytical table of contents, an appendix on the Messianic Element in Prophecy, and one on the relation between the Messages of the Prophets and that of Jesus; an annotated list of books of reference, and an index of Biblical passages.

The conception and general plan of the work is excellent. The difficulty of reading the prophets intelligently in the English Bible is so great—it may truly be said, so insuperable—that, for the most part, they are little read and less understood. To open their meaning and significance no better way could be devised than an interpretative paraphrase with historical introductions; and it cannot be doubted that to many intelligent readers these volumes will shed a new and welcome light on these obscure writings.

The execution of the plan is not in all respects so felicitous as its conception. It is doubtless very hard to make a paraphrase which shall not grate on the literary sense of the reader, familiar with at least the diction of the English Bible; but in the present volume this difficulty seems not to have been sufficiently kept in mind. The result is not infrequently something more than an infelicity; we get a false impression of the prophet, when the opening words of Ezekiel, “In the fifth year” (after the deportation of Jehoiachin), are diluted as follows: “In the fifth year of the *sorrowful* exile of Jehoiakin and his people in *far-off* Babylonia,” where the words I have italicized add a touch of misplaced pathos wholly foreign to Ezekiel.

GEORGE F. MOORE.

*A History of New Testament Times in Palestine, 175 B.C.—70 A.D.* By Shailer Matthews, A.M., Professor in the University of Chicago (New York, Macmillan, 1899, pp. xi, 218). This work is to be welcomed as one of a useful series of New Testament handbooks under the general editorship of Dr. Matthews. Judging the series by this excellent manual it is likely to answer very satisfactorily the needs of the general reader and the theological student. As the title indicates, the view is limited to Palestine, and the materials relating to Greek and Roman life, used by Hausrath, as well as Schürer's treatment of Alexandrian Judaism, have here no place. The exclusion of Alexandrian Judaism would seem to be a defect, as the volumes announced for the



series seem to make no provision for these facts. The Epistle to the Hebrews would suggest a need for information of this sort. Compared with O. Holtzmann's *Neutestamentliche Zeitgeschichte*, the book has merits and defects. It surpasses that brief German handbook in the fullness and interest of its narration, but it is defective by the omission of features of social history.

After the work of Schürer it would seem difficult to offer a new and fresh narration of Jewish history in this period, but the author's independent examination of the subject with the aid of an abundant literature, especially of the latest monographs and results of Palestinian exploration, has enabled him to present the subject with precision and sound judgment. On many disputed matters connected with the beginning of Christianity, Dr. Matthews expresses himself with caution and sagacity. The theological teacher will give this manual a hearty welcome.

FRANCIS A. CHRISTIE.

Dr. Felix Dahn is carrying rapidly forward the eighth volume of his *Könige der Germanen*, *Abtheilungen* fourth and fifth having appeared since our last issue (Leipzig, Breitkopf und Härtel, pp. 260 and 359). Nearly the whole of the fourth (213 pages) is occupied with the judicial system, with especially interesting sections on the King's court, which Dahn thinks has now more of the character of a court of equity than he will allow to it in Merovingian times, but less than Brunner finds in it, and on the *Schöffen*. An account of the administrative system concludes the part, the last section of which is a brief and unsatisfactory discussion of Charles's educational reforms, introduced, however, by a good bibliography. The fifth *Abtheilung*—except 20 pages at the end on embassies and treaties—is nearly equally divided between the financial system, which is discussed in minute detail, and the ecclesiastical organization. This last opens with a valuable account in twenty pages of the work of Boniface, and gives forty pages to relations between church and state, and one hundred and forty to the constitution proper of the church.

*Scotland's Ruined Abbeys*, by Howard Crosby Butler, A.M., sometime Lecturer on Architecture in Princeton University (Macmillan, pp. xx, 267). A handbook to the Scotch abbeys, written for American readers, and combining scientific accuracy with an adequate regard for the more popular and romantic aspects of their history and associations—this is the desideratum and this the difficult task which Mr. Butler has had in mind and has endeavored to meet. In attempting this he has written *con amore* of some eighteen abbey-ruins, giving of each a brief but intelligent description, followed by a few pages of historical summary. To do this within the limits of a small handbook requires the utmost condensation, and a very rare discrimination in presenting the *conspectus* of the troubled history of these abbeys. Mr. Butler's style is loose and easy rather than concise, and as between the architectural and romantic interest of his subject, he sometimes fails of quite doing justice to either.

In selecting and rejecting material, he has apparently assumed that the reader would care only for what has interested him. This assumption does no harm in books of travel, but has its drawbacks in a handbook for prospective tourists. It was an error to suppose that these would care only for ruined abbeys. It is true that purchasers are warned by the title what to expect within the covers: but how many among them are aware, until they have examined the contents of the book, that Elgin—most beautiful of Scotch ruins next to Melrose—was always a cathedral and not an abbey? Why, moreover, should St. Andrew's and Inchcolm and Paisley Abbeys have been wholly omitted from the book—above all when Haddington Priory is included, upon the slender possibility—quite generally discredited by modern authorities, that it may, after all, have been originally an abbey church? Most travellers in Scotland will be quite as anxious for information about Kirkwall Abbey, which is not ruined, and about Elgin, which is ruined but not an abbey; about Dunblane and Paisley and St. Andrew's, about parish churches like Rosslyn, Ladykirk, Linlithgow and Leuchars, about St. Giles in Edinburgh and St. John's at Perth, as about Crosraguel and Beaulieu and Whithorn. Mr. Butler's restriction of his theme, though seemingly logical, is really arbitrary.

Granting this restriction, however, the book reads easily and pleasantly enough; the general treatment is intelligent, the information correct, and the style, in spite of occasional lapses, agreeable and without affectation. Double-leaded lines, large type, broad margins and heavy paper make a solid and handsome volume out of what might have been compressed into a pocket-manual; and this, with the absence of the statistical information essential to a guide-book, shows that the author designed it to be read by the homestayer and the prospective tourist rather than by the traveller *in esse*. The author's illustrations, which are not without merit, might well have been supplemented by an equal number of photographic prints, for the benefit of this class of readers. Sufficient indexes and tables of contents and illustrations accompany the book, which is attractively bound and beautifully printed.

A. D. F. HAMLIN.

*The Receipt Roll of the Exchequer for Michaelmas Term, xxxi. Henry II.*, A. D. 1185, is in several respects a remarkable book. The record which it permanently preserves is a unique fragment, so far as is known; for while there is in existence a series of receipt rolls extending from 1236 down, it appears that a change of system took place between the seventeenth and the twenty-first years of Henry III., and that while certain earlier specimens of the same reign are preserved, no other of Henry II.'s time is known, though the *Dialogus de Scaccario* gives evidence of their existence, and to some extent of their use. Fortunately the record is for a year (or rather for half of a year) for which the Pipe Roll is extant, and, closely as the two resemble each other, the comparison brings out many interesting facts as to the fiscal system of King Henry. This precious document has been made the subject of study during the two

past years by the class in palaeography which has been conducted at the London School of Economics and Political Science by Mr. Hubert Hall, F.S.A., of the Public Record Office. The volume now brought out is therefore "the first fruits of organized palaeographic instruction" in England. It is presented sumptuously, the membranes being all photographed and reproduced in thirty-one beautifully-executed collotype plates. The manuscript has been transcribed, extended and edited by the class, and the results of their work appear in the pages of letter-press which face the plates,—text and notes, and for comparison the text of the corresponding entries in the Pipe Roll of the year. A preface by Mr. Hall sets forth the relation of the document to the fiscal history of the reign of Henry II.; and the class supply an elaborate index. The volume may be obtained from the School, 10 Adelphi Terrace, W. C., London.

*Études sur quelques Manuscrits de Rome et de Paris.* Par Achille Luchaire, Membre de l'Institut, Professeur d' Histoire du Moyen Age à l'Université de Paris. [Université de Paris, Bibliothèque de la Faculté des Lettres, VIII.] (Paris, Alcan, 1899, pp. 173.) The studies which M. Luchaire has here brought together are the fruit of investigations in the rich collections of the Queen of Sweden in the Vatican Library and in certain related manuscripts at Paris. The documents discussed are somewhat miscellaneous in character, but fall for the most part within the period of the early Capetians which the author has made so peculiarly his own. In some instances, as in the case of the works of Suger, the chronicle of Morigni, and the historical fragment attributed to Foulques of Anjou, M. Luchaire has done no more than call attention to new manuscripts which render possible more satisfactory editions of texts already published. Other material is fresher, like the cartulary of St. Vincent of Laon, heretofore supposed to have been lost, and a number of documents relating to Soissons; while an examination of various copies of the *Miracula Sancti Dionysii* leads to important conclusions as to its date and composition, and incidentally as to the date of the *Gesta Dagoberti Regis*, which served as one of its sources. The longest of the *Études* concerns a mass of letters emanating from the abbey of St. Victor at Paris in the reign of Louis VII. which are here printed or analyzed, most of them for the first time, to the number of two hundred and twenty-four. Besides its value for the general history of the Victorines, the correspondence yields new information for ecclesiastical biography and adds some new facts of political history, particularly for the somewhat obscure region of lower Brittany. The intellectual life of the Loire valley also finds illustration in the letters of a certain Hilaire, professor at Orleans, and the correspondence of various students at Orleans and Angers with their clerical patrons. While these letters, as usual, deal mainly with the commonplaces of medieval student existence, they have not been shorn of their individuality by the rhetoricians, and there is plenty of human interest in the appeals for money and suitable clothes,



and in the consignment of "a ham split through the middle and a *mina* of white peas" which the recipients are ordered not to share with their comrades. The volume closes with a rough list of manuscript materials for French history contained in the collection of Queen Christina.

CHARLES H. HASKINS.

In a little pamphlet entitled *Robin Hood: the Question of his Existence discussed more particularly from a Nottinghamshire Point of View* (Worksop, 1899), Mr. A. Stapleton presents what he calls a counterblast to Hunter, who in 1852 discussed the renowned outlaw from a Yorkshire point of view. The most I can say for the rival claims and arguments of these local antiquaries is that they are mutually destructive. The Robin Hood of legend belonged not to this place or that, but to all; and no place, I suppose, would care to own the historical Robin Hood, provided there was one. But students of folklore will have more to say about this yet.

W. D. J.

*Essai sur le Règne du Prince-Évêque de Liège Maximilien-Henri de Bavière.* Par Michel Huisman. (Bruxelles, Henri Lamertin, 1899, pp. 198.) Within the narrow limits of this volume, M. Huisman has essayed not only to describe the governmental system of the principality and city of Liège in the middle of the seventeenth century, but to indicate as well the transformations wrought in the communal and national institutions by the political events of the latter part of the century. Notwithstanding the very evident difficulties of the task the author has done his work with commendable skill.

The first chapter begins with a succinct but lucid review of the peculiar international position of Liège, a position fraught with most vexing problems for its prince-bishop, owing both to the mixed character of the principality and to its geographical situation. The author's analysis of the communal constitution of Liège is less satisfactory; one could wish that M. Huisman had given us a glimpse, at least, of those economic and social conditions that made the crafts and guilds so important a part of the municipal organization.

The author is at his best in those chapters in which he follows the fortunes of Liège through the storms of European politics in this troubled period. Although Maximilian-Henry appears in history both as Archbishop of Cologne and as Bishop of Liège, his titles do not hide his personal insignificance. From the beginning of his reign he was the dupe of two of his countrymen—companions of his boyhood—the brothers Fürstenberg, who had sold themselves to Louis XIV. of France, and who directed the politics of the Rhenish principalities wholly in the interest of their paymaster. It was they who drew Maximilian-Henry into an active alliance with Louis XIV. against Holland; it was they who prevented the defection of the prince, when the Grand Alliance was formed to check the aggressions of France; and finally, when Liège, devastated by friends and foes alike in the wars that followed, sought to revive its communal

independence, it was one of these Fürstenburg brothers again, who appeared at the head of German troops and awed the city into abject submission. A like fate awaited other communities of the principality ; and on the ruin of communal liberties rose undisputed the absolute rule of the prince-bishop of Liège.

While M. Huisman has borrowed largely from the works of the other historians, notably from the studies of M. Lonchay, he has himself searched the archives at Brussels and at Liège, and the results of his industry are a genuine contribution to the history of the Rhenish principalities.

ALLEN JOHNSON.

*How England Saved Europe. The Story of the Great War, 1793-1815.* By W. H. Fitchett, B.A., LL.D. In four volumes. Vol. I. From the Low Countries to Egypt. (New York, Scribner, pp. viii, 361.) This work, which appears to be largely a compilation from secondary sources, is not a military history of Europe in the Revolutionary and Napoleonic age ; it treats only of those operations in which Great Britain directly shared during the wars from 1793 to 1815. For the purposes of his narrative Dr. Fitchett has divided the interval into six periods, of which three are covered in the present volume : the *first* from 1793 to the establishment of the Directory in 1795, the *second*, from 1795 to the battle of Camperdown in 1797, the *third*, Bonaparte's expedition to Egypt in 1798. The fourth, fifth and sixth periods consist respectively of the naval operations between 1801 and 1808, the Peninsular War, and the Waterloo campaign in 1815. This division, so far at least as concerns the earlier periods, will not command unqualified assent. A convincing reason for the division at 1795 is not apparent. A broad view of the war between 1793 and 1797 will show but little variation of its essential feature—uniform British success at sea as against like French success on the Continent. The division at 1797 is better grounded. At this point the duel between Napoleon and England begins, and the transfer of the scene of conflict to Egypt marks the expansion of the contest into a colonial war.

The execution of the work leaves much to be desired. If the author, as appears likely, is addressing himself more to the general public than to historians, one will not be too exacting ; this extenuating circumstance will not however cover all the defects of his work. Dr. Fitchett's judgment seems apt to be faulty. He believes, for instance, that Wellington was equal to Bonaparte in military genius. He also disputes Professor Seeley's opinion that the Napoleonic wars were at bottom a colonial struggle between Greater France and Greater Britain ; yet he admits that in the contest Napoleon sought and England secured a world-empire. Another defect in the work is its literary style. It is characterized by a none too successful attempt at brilliancy which at times ventures upon expressions bordering upon literary vulgarity. There is also a lack of due proportion in the narrative and a consequent loss of perspective. An entire chapter is devoted to the career of Bonaparte prior

to 1798—matter interesting enough in itself, but irrelevant, if given at such length in its present connection. Again two chapters are devoted to the minutiae of the insurrection in the English fleet in 1797, which event, since it did not in the end affect the course of the war, is undeserving of the prominence here given it. In fact one has a feeling, on reading this work, that the author has paid undue attention to incidentals and that essentials in consequence are obscured or at least have lost their proper setting. This criticism applies even to the title: *How England Saved Europe*. England waged the war not to save others but to save herself; to her the fact that her salvation was conducive to the salvation of Europe, was merely an incident.

H. M. BOWMAN.

*Stories of Great National Songs.* By Colonel Nicholas Smith (New York, The Young Churchman Co., pp. 238). Students of musical folk-lore, who are disposed to apply scientific methods in their investigations, give the name of folk-songs to the utterances of the different peoples of the world which seem to have sprung up spontaneously, which are the creations of a whole people rather than of individual composers, and give voice to the joys, sorrows and aspirations of the whole people. Alongside these they range the songs which reproduce the characteristics of folk-songs, but whose authorship can be identified. The best songs of this class, the world over, are those which are made when a people are profoundly moved, as in a time of war. Then a spirit that is akin to the creative spirit of the folk is awakened and the faculty atrophied by culture is reanimated. The wars of the Revolution, of 1812, and the Rebellion, produced the only American songs which can be called national. To these Col. Smith, in a manner that is popular but discouragingly unscientific, devotes the greater part of his book. His contributions to history are negative. It is a singular fact that few of the great national songs have histories that are free from doubt. The Russian and Austrian hymns raise no questions of authorship or time, but the English "God save the King," the melody of which has been appropriated by several German countries, as well as America; the French "Marseillaise" and our own "Star Spangled Banner" and "Yankee Doodle" have long been subjects of controversy. Col. Smith is neither lucid nor instructive in his restatement of these histories. He is plainly ignorant of the German language, for he treats of Arndt's "Was ist des Deutschen Vaterland?" twice in the same chapter, making of it two songs separated by half a century of time. He is also unfamiliar with musical terms and musical history, and has no judicial faculty. Any story that has once been printed he accepts as a fact, unless its correctness was challenged in the book or newspaper in which he finds it. He cannot see so obvious a thing as that the author of "The Star-Spangled Banner" must have written it with the melody of "To Anacreon in Heaven" in his mind, and that all tales of how an actor named Ferdinand Durang consorted Key's words and the tune of the constitutional song of the Anacreontic Society, are palpably foolish. No tune was better



known in America at the beginning of this century than "To Anacreon in Heaven." Robert Treat Paine wrote "Adams and Liberty" to the tune in 1798, and either as "Adams and Liberty" or "Jefferson and Liberty" it had been sung throughout the length and breadth of the United States for fifteen years before the battle of Fort McHenry which inspired "The Star-Spangled Banner." Newspaper stories are not good history, but as he has compiled them they are the only contributions which Col. Smith makes to the literature of the subject he has undertaken to treat. It will be a pity if some of them get into musical, literary or political history because they have been put between binder's boards. The tale that Col. Smith tells about the audience at the Metropolitan Opera House in New York drowning the orchestra with cheers and singing "The Star-Spangled Banner" a week after the destruction of the battleship *Maine* is so gross an exaggeration as to be set down as wholly apocryphal. The only demonstration of the kind at the Metropolitan Opera House was at a Thomas concert, the final number of which was an overture which ended with the national air. The people rose to their feet and cheered when the music ended.

*A Letter Book and Abstract of Out Services, written during the years 1743-1751 by the Rev. James MacSparran, Doctor in Divinity and sometime Rector of Saint Paul's Church, Narragansett, Rhode Island. Edited by the Rev. Daniel Goodwin, Ph.D., lately Rector of the same Parish (Boston, D. B. Updike, 1899, pp. xlv, 197). James MacSparran was a missionary of the "Propagation Society" sent to America in 1721 to officiate at Narragansett in New England and in parts adjacent "as opportunity shall offer." For thirty-six years he lived in the "Narragansett Country," a part of Rhode Island inhabited by opulent landowners who lived in patriarchal state upon great estates. Among these large proprietors the young missionary quickly secured a commanding influence, and with them he always lived on terms of great intimacy. His house stood on what was then one of the great arteries of travel and so almost all the influential men of the colony came in time to enter its doors. During the years 1743, 1744, 1745 and 1751 Dr. MacSparran (the University of Oxford had made him a Doctor of Divinity) kept the Diary which has now been published. The manuscript, after having lain unnoticed for many years in the garret of the late President Caswell of Brown University, at last came into the hands of the Rev. Daniel Goodwin, one of the successors of the diarist in the rectorship of the Narragansett Church. Dr. Goodwin has edited it with exceeding care. For the historical student the diary throws much light upon the customs and habits of the times, while the editor's scholarly notes so illumine the whole period as to make the life of Narragansett plain to all readers. The Diary covers sixty-seven pages; the notes (placed at the end of the book) cover one hundred and five. One of the first notes calls attention to the use of the word *Convention* to describe a meeting of the clergy in 1743. Another emphasizes the influence of the ideas of Roger Williams's successors in*

the immersion of candidates for baptism by the Narragansett rector. (This influence, by the way, is even now potent in some parishes of the Episcopal Church in Rhode Island where immersion is still practised.) Frequent entries in the Diary show that Dr. MacSparan was a healer of bodies as well as of souls. He was also obliged to keep open house (like his neighbors). One day nine guests dropped in to dinner. Another entry records twelve callers that day. References to his "chair" show that wheeled vehicles were not unknown in the land of the "Narragansett Pacer," and the names of the doctor's own horses hint at the thriving commerce then carried on with the West Indies. The item on sheep-shearing recalls the festivities of a people who loved to make merry and to be glad, while the casual mention of a bear shows that wild animals were by no means infrequent. Ordinarily the writer was tolerant toward all men, yet he could not endure what he was pleased to term the "pestilent heresy" of the Quaker. But the thing that troubled the righteous souls of the missionary and of his excellent wife most of all was the servant question. Continually were they vexed by the lapses of their negro slaves. The lash did not seem to produce lasting effects though it was frequently used. Not without reason did the Doctor pray "O th' God would give my Servants the Gift of Chastity." The book is printed in the admirable style that marks everything that comes from the Merrymount Press.

WILFRED H. MUNRO.

*Nooks and Corners of Old New York.* By Charles Hemstreet. (New York, Scribner, 1899, pp. 228.) This book is one of the numerous evidences of the increased interest in colonial matters and in "local color." New York is at once a city of a comparatively gray antiquity, a place of abundant historical reminiscences, and a headquarters for various patriotic and antiquarian societies. Probably for these reasons it has lately been furnished with a considerable number of useful memorial tablets. A book dealing with its "nooks and corners" was therefore inevitable; and such a book, properly conceived and executed, should be welcomed.

The present work, attractively printed and quite fully illustrated, is planned on topographical principles. Beginning at the Battery the author journeys up-town to beyond the City Hall, confining his notice to the eastern section. Returning to his starting-point he thence proceeds up Broadway, turning aside to visit the ancient Greenwich Village, Washington Square, and Chelsea Village. Retracing his steps to Cherry Hill he passes up the island, this time on the "East Side," noting the Stuyvesant farm region, Astor Place, Grace Church, Union and Madison Squares, and Bull's Head Village, and ends his wanderings at Central Park. The localities along these routes are treated *seriatim*. Taking a certain house-site or corner the author mentions its antiquarian importance, with frequent use of dates and names, but no references or citations of authorities. Similarly he explains the evolution of streets like Canal and Wall, the disappearance of hills and ponds, and the absorption

of hamlets. The book does not leave Manhattan and even for the island it is silent regarding the entire northern half.

The omission of authorities deprives the work of much historical value. On page seven reference is made to the site of the ancient Stad-huis, at 4 and 6 Pearl Street, according to a tablet by the Holland Dames—at 73 Pearl Street, according to a tablet by the Holland Society. On page 135 the execution of Nathan Hale is assigned to the vicinity of Cherry Street, while on page 38 allusion is made to the other opinion that the hanging took place in City Hall Park. It is obvious that on such controverted points the authorities should be clearly stated. The object of the writer was however not to produce an exhaustive history of the island or even a scholarly monograph, but to accompany the reader in a series of interesting strolls. It cannot be said that he has satisfactorily accomplished this purpose. There is little of literary charm, and in many places the lists of house-sites read like a Catalogue of the Ships. In fact the strict adherence to the topographical plan and the hurried succession of short notices render the book a species of Baedeker. Yet the publication of such a treatise is gratifying, as indicative of the renaissance of interest in that long neglected field—city history.

EDMUND K. ALDEN.

A cordial welcome must be extended to the *South Carolina Historical and Genealogical Magazine*, which the South Carolina Historical Society began to issue in January under the editorial charge of its secretary, Mr. A. S. Salley, Jr. The magazine evidently starts out with the wise purpose of devoting most of its space to the publication of original documents relating to South Carolina history. The present number contains 75 pages of such matter and 15 pages of genealogy (the Bull family), while the remaining 28 pages are devoted to notices of books and magazine articles, to notes and queries and other such matters relating to the Society or to the history of the colony and state. The most interesting of the documents is that first printed, a long letter from Jefferson to Justice William Johnson of the United States Supreme Court, dated June 12, 1823, and dealing with the history of parties and with the decisions of Chief Justice Marshall in *Marbury vs. Madison* and *Cohens vs. Virginia*. Jefferson's feeling towards Marshall is evinced characteristically in his animadversions upon these decisions; but not less so when in speaking of party history he says: "What a treasure will be found in Genl. Washington's Cabinet, when it shall pass into the hands of as candid a friend of truth as he was himself? when no longer, like Caesar's notes and memorandums in the hands of Anthony it shall be open to the high priests of Federalism only, and garbled to say so much, and no more, than suits their views?" Next, in a considerable body of documents, some of them purely formal, but others exceedingly well worth printing, a beginning is made of the history of the diplomatic services of Col. John Laurens in Europe in 1781. Finally we are presented with an instalment of the papers of the first Council of Safety of the revolutionists in South Caro-



lina, extending from June to August, 1775, and enabling the student to see intimately the details of their management. Among the notes and queries, the legend which attributes to Gen. Charles Cotesworth Pinckney the reply "Millions for defence but not one cent for tribute" is again exploded. The information presented respecting the present status of the Society is most encouraging, and gives ground for the belief that it has entered upon a new era of prosperity and development. In spite of all the losses it has suffered, South Carolina still presents a great amount of valuable historical material for the uses of such a magazine, to which our congratulations and good wishes are heartily extended.

*Harahey*, by J. V. Brower. (St. Paul, Minnesota, the author, pp. 135.) The second of Mr. Brower's *Memoirs of Exploration in the Basin of the Mississippi* contains the record of his investigations along the watershed between the Great Bend of the Arkansas and the Kansas rivers, in north central Kansas. To historical students, the most interesting portion of his volume is that in which the evidence that this region was once an important centre of aboriginal life is used to confirm the documentary evidence proving that the Quivira and Harahey visited by Coronado in 1541 were in this locality. This location for Quivira has been accepted by most historians of the Southwest for fifty years. Two years ago, however, a serious article in the professed organ of American geographical knowledge, on the True Route of Coronado's march, undertook to prove that the Spanish explorers did not go north of the present Texas. This naturally demanded a fresh examination of the grounds of the belief of those who held to the earlier view. This examination has been made by Mr. F. W. Hodge of Washington, and his results are published by Mr. Brower.

Mr. Hodge has supplemented his analysis of the contemporary Coronado narratives by a careful study, often on the ground, of the topography of the regions through which the several proposed routes go. The result is a surprisingly complete justification of the conclusions of the earlier authorities. In only one instance has he found occasion to make an important correction in the route as laid down by Bandelier, from the Gulf of California through Arizona and New Mexico and across the Buffalo Plains to the Kansas-Nebraska boundary. The narratives state that when Coronado left Pecos, the last of the New Mexican villages, he started towards the northeast to reach the plains. Such a course would have taken him directly into a most difficult mountain country, and Mr. Hodge shows beyond reasonable doubt that the sources are wrong, either through some lapse of the writer's memory or error of the transcriber's pen, and that the Spaniards actually set off towards the southeast. This is the natural course, followed by the Indian trails, and nearly every one of the subsequent details noted in the narrative is easily explained by this assumption of an initial error, whereas the difficulty of understanding these same details, in plotting the route northward, has led to confusion in all the older accounts of Coronado's journey. Mr. Hodge's essay is

a most instructive study, not only of a detail of historical fact, but of some of the important principles underlying the investigation of historical topography.

G. P. W.

*Kansas: its Interior and Exterior Life.* By Sara T. D. Robinson. Tenth Edition. (Lawrence, Kansas, Journal Publishing Company, 1898, pp. xi, 438.) Mrs. Robinson's book has long been one of the standard authorities upon the early history of Kansas. It covers a relatively brief period, as the first edition was published in the autumn of 1856, scarcely more than two years after the arrival of the pioneer colony of New England immigrants in the territory. While the fate of Kansas may not have been absolutely settled during these two years, they abounded in sensational and critical events, such as the repeated invasions from Missouri, the destruction of Lawrence, the dispersion of the Topeka Legislature, and the arrest of prominent free-state men on charges of treason. Mrs. Robinson wrote in the midst of these events which drew the attention of the whole country; and her narrative is a graphic and trustworthy account of them.

The book also gives us an interesting picture of social and domestic life in the territory, of the limitations and discomforts which accompanied it and of the good-nature and heroism with which they were met. Houses were small, sometimes little more than rough shanties, abounding in every sort of inconvenience, and affording but slight protection against the trying vicissitudes of Kansas climate. Rattlesnakes now and then crept into these loosely constructed habitations, and their presence never failed to create a sensation. Then at times there were fears of famine. For instance we are told that on the second of May, 1855, there was no flour in town. Six weeks had elapsed after Mrs. Robinson had begun housekeeping in the territory before any butter could be obtained and then a jar was brought from Missouri. But she had one unfailing consolation, the magnificent prospect from her home, which was for some years on Mount Oread, now the site of the State University—a wonderful panorama which is seldom surpassed in Kansas or out of it.

The tenth edition of Mrs. Robinson's *Kansas* differs from preceding impressions chiefly in the appendix. In the original text we noticed little change. A few paragraphs have been modified and some footnotes added. The new matter in the appendix relates mainly to Old John Brown. It includes Townsley's "Confessions" and a number of letters and statements. In regard to the authors of these letters and statements Mrs. Robinson says, and few who happen to know them will question her assertion, that they were men "of recognized high character" and have "no personal ends to subserve in what they have said." Townsley's "Confessions" were first printed in *The Lawrence Republican* in 1879. It is now generally admitted that they are substantially, if not absolutely, true, and they have necessitated some change of base and reconstruction of lines among the extreme partisans of John Brown.

LEVERETT W. SPRING.

The *Review of Historical Publications Relating to Canada* for the year 1899 (Toronto, University Library, pp. 229), edited by Professor George M. Wrong and Mr. H. H. Langton, the fourth issue in this valuable series of annual bibliographies, sustains well the credit obtained by previous issues. It bears marks of great industry; not "to speak of books, we should imagine that very few pamphlets or magazine articles relating in any way to Canada can have escaped the editors' search. Such careful and critical reviews of the annual historical product must, we feel sure, contribute signally towards raising its level. Geography, economics, and statistics, archaeology, ethnology, folk-lore and education are included along with history. Under the former head there is a special section devoted to Klondike literature.

*Discussions in Economics and Statistics.* By Francis A. Walker, Ph.D., LL.D. Edited by Davis R. Dewey, Ph.D. (New York, Henry Holt and Co., 1899, two vols., pp. v, 454; iii, 481.) Although the late President Walker was a most prolific worker in the field of economics and statistics for a period of thirty years, he was not primarily a writer of books. The record of the greater, and not the least valuable, portion of his labors is to be found in magazine articles, addresses and official reports. It was therefore necessary to the complete presentation of his work that some collection of the more permanent among these scattered papers should be made, a service which has been fittingly rendered by Dr. Dewey, who succeeded President Walker in the teaching of economics at the Institute of Technology.

These two volumes contain fifty-five out of the much greater number of papers left by President Walker. The discussions are grouped under the headings "Finances and Taxation," "Money and Bimetallism," "Economic Theory," "Statistics," "National Growth," and "Social Economics." Three of the papers, those on "Private Property," "Is Socialism Dangerous?" and "Savings Banks," are now printed for the first time; a few have been rescued from the columns of daily or weekly papers or official documents; others, although they have appeared in well known publications, had become through lapse of time inaccessible to the ordinary reader. Throughout we find the same grasp of principle, keenness of analysis, and clearness and force of expression which characterize the author's more systematic works. Notwithstanding the fact that many of these papers were prepared twenty or more years ago it would be difficult to find to-day, in equally brief form, a more satisfactory treatment of the subjects discussed. The volumes are fully justified by the permanent value of the material which they contain.

While none of the papers are strictly historical in character there are many which will repay study by the student of United States history, especially the papers grouped under the heading "National Growth," in which the author discusses the conditions which have controlled the development of agriculture, manufactures and population in this country; those dealing with the question of debt payment and the disposition of



the surplus in the period following the Civil War ; and those which treat of the reliability of census figures and the influence of immigration.

The editor has shown excellent judgment not only in the selection of papers but in the elimination of repetitions which necessarily occur in a series of articles and addresses prepared for different occasions but dealing with the same or similar topics. Preceding each paper is a brief note stating the place and date of publication of the original, and calling attention to any omissions in the present reprint. An index adds greatly to the value of the volumes.

H. B. G.

## NOTES AND NEWS

Sir William Wilson Hunter, K.C.S.I., died at Cumnor on February 7, aged not quite sixty. For twenty-five years he was in the service of the government of India, and he wrote many books upon that country and its history, *Annals of Rural Bengal*, *The Indian Empire*, etc. He edited the "Rulers of India" series, and wrote the books on Mayo, Dalhousie and Brian Hodgson. At the time of his death he was engaged in an extensive *History of British India*, of which the first volume appeared last year.

The Rev. R. Watson Dixon, honorary canon of Carlisle, and author of a highly esteemed *History of the Church of England from the Abolition of the Roman Jurisdiction*, died on January 23, at the age of sixty-six.

Dr. Elliott Coues, the celebrated ornithologist, born at Portsmouth in 1842, died at the Johns Hopkins Hospital, Baltimore, December 25. Though his fame was won chiefly in the department of ornithology, he had in recent years performed important services to the history of early travel and exploration in the West and Northwest. His editions of Lewis and Clark, of Pike, of the journals of Henry and Thompson, of Larpentour, in spite of some unfortunate peculiarities of composition, are monuments of historical, geographical and ethnological learning.

Judge Franklin G. Adams, secretary and founder of the Kansas State Historical Society, died on December 2, at the age of seventy-six. He was secretary of that society from its organization in 1874 to the time of his death, laboring untiringly in its behalf and building up a historical library of eighty thousand volumes (including of late all the issues of every daily and weekly newspaper in Kansas) and twelve thousand pieces of manuscript.

Since the printing of the lists on pp. 438 and 439 of the present number, the President of the American Historical Association has appointed Mr. Appleton P. C. Griffin, of the Library of Congress, a member of the committee on bibliography; and has made Mr. A. Howard Clark chairman of that committee in the place of Mr. Herbert Putnam.

The Congrès International d'Histoire Comparée will be held at the Collège de France, Paris, from July 23 to 28, 1900. M. Gaston Boissier is president of the committee of organization, M. de Maulde de la Clavière of the executive committee. Those desiring membership may address the general secretary, M. André Le Glay, 10 boulevard Raspail. Beside the general sessions, the proceedings of the Congress will consist

of the sessions of eight sections, devoted respectively to general and diplomatic history, and to the comparative history of institutions and law, social economics, religion, science, literature, the arts of design, and music. M. Henry Houssaye is to be president of the section first named, M. Glasson of that of the history of institutions and law. American members of the first section are requested to correspond with M. Gailard, professor at the Collège Stanislas, 13 rue de Tournon.

Part XXIV. of Dr. R. L. Poole's *Historical Atlas of Modern Europe* (Clarendon Press) contains the usual three sheets: one of Europe in 1863, with devices showing the changes made in 1866, 1871, 1878, etc., and with letter-press by Professor G. W. Prothero; one of Scotland, with two maps, one showing the situation of Highland clans and Lowland families, the other exhibiting the Parliamentary representation of Scottish shires and boroughs, down to 1832, by Mr. R. S. Rait; and a map of Syria in the time of the Crusades, by Mr. T. A. Archer. Part XXV. represents Germany at the Peace of Westphalia, with letter-press by Rev. J. P. Whitney, reviewing the geographical history of Germany from the Reformation to 1648; the French Empire in 1810, with notes on the annexations and departments, by Mr. H. A. L. Fisher; and the United States after the treaty of 1783. Mr. Hugh E. Egerton describes with substantial correctness the boundary disputes which arose out of that treaty; but the arbitration which he mentions as effected in 1831 by the King of the Belgians was really effected in 1827 by the King of the Netherlands. The map represents Kentucky as admitted in 1782; but the correct date is given in the letter-press. This third plate in Part XXV. contains, beside its main map, three others of smaller size. One shows the French proposals of 1782, according to Jay's statement; another the two lines of frontier agreed to by Oswald in October and November, 1782, respectively, the former from the map in Fitzmaurice's *Shelburne*, the latter from the red-line Mitchell map in the British Museum. The third small map exhibits the boundaries at the north of Maine as claimed by the British and by the Americans, and as settled by the treaty of 1842.

The historical department of the University of Pennsylvania propose several interesting new publications in their series of *Translations and Reprints*. Dr. Merrick Whitcomb, editor of a *Source-Book of the Italian Renaissance*, and of a *Source-Book of the German Renaissance*, already issued, will bring out several volumes of "Sixteenth Century Classics"—Select Colloquies of Erasmus, the Wonder-Book of Johannes Butzbach, the autobiography of Thomas Platter, and the Letters of Obscure Men. A series of selections from the writings of Zwingli will be edited by Dr. Samuel M. Jackson. Dr. Herman V. Ames will bring out a series of pamphlets of *State Documents on Federal Relations; the States and the United States*. Professor Munro edits a selection from the capitularies of Charlemagne, and Dr. William Fairley a selection embracing all the most important parts of the *Notitia Dignitatum*.



No. 101 of the *Old South Leaflets* is *The Rights of War and Peace*, the prolegomena to Grotius *De Jure Belli et Pacis*.

The March number of the *Educational Review* contains a careful article by Professor George E. Howard of Leland Stanford University, reviewing the *Report of the Committee of Seven*.

*The Report of the United States Commissioner of Education for the Year 1897-98* contains as its first chapter a history of the German school system, by Dr. E. Nohle, of Berlin, translated from his contribution to Rein's *Encyclopädisches Handbuch der Pädagogik*. It also contains a chapter on the organization and reconstruction of state systems of common school education in the North Atlantic States from 1830 to 1865, by the Rev. Dr. A. D. Mayo.

#### ANCIENT HISTORY.

A collection of essays entitled *Authority and Archaeology, Sacred and Profane*, edited by Mr. D. G. Hogarth (London, Murray) is intended to present at the end of the century a summary view of the results of archaeological discoveries and the general progress of archaeology, with especial reference to their effects on our conceptions and knowledge of ancient history, Oriental, Biblical and classical. The names of the writers, such scholars as Professor Driver, Professor Ernest Gardner, Mr. Griffith, Mr. Haverfield and Mr. Headlam, and the editor, are a sufficient guarantee of the learning, good judgment and skill with which the object has been pursued.

The committee of the Academy of Inscriptions and Belles Lettres which has in charge the publication of the *Corpus Inscriptionum Semiticarum* began with the beginning of the present year the issue of a *Bulletin Périodique d'Épigraphie Sémitique*, bearing to the *Corpus* the same relation as the *Ephemeris Epigraphica* bears to the Latin *Corpus*, but finding place for critical discussions of known inscriptions as well as for the texts of new ones.

The latest numbers of the *Quarterly Statement* of the Palestine Exploration Fund contain accounts, by Dr. F. J. Bliss, of his excavations at Tell Zakariya and Tell-es-Sâfi.

To the translation of Maspero's *Dawn of Civilization and Struggles of the Nations* Messrs. D. Appleton and Co. have now added, in a similarly handsome illustrated volume, his third work, *The Passing of the Empires*, covering the period from 850 B. C. to 330 B. C. in the history of Egypt, Assyria, Babylonia, Persia and Media. The volume is translated by M. L. McClure and edited by Professor Sayce.

Teachers of ancient history may be glad to know of the ingenious views or restorations of ancient Rome, Carthage, Athens and Jerusalem which M. Paul Aucler has prepared upon the basis of modern archaeological explorations, *Les Villes Antiques* (Paris, Ch. Delagrave, pp. 28, 28,

46 and 50 of letter-press). Rome is represented as it may be supposed to have been in 337 A.D., Athens in 130 A.D., Jerusalem in A.D. 29.

In the *Revue Historique* for January Professor Adolf Bauer of Gratz continues his review of German and Austrian publications in Greek history for the years 1888 to 1898, to be completed in a later number.

At the instance of the family of Siemens, descendants of the historian Drumann, Dr. P. Gröbe is preparing a revised edition of Drumann's *Geschichte Roms in seinem Uebergange von der republikanischen zur monarchischen Verfassung*, of which the first volume has already appeared (Berlin, Gebrüder Bornträger, pp. 484). The peculiar form of the original is preserved, but the results of modern scholarship are incorporated, in the text or in appendixes.

In the *Mittheilungen des k. deutschen Archäologischen Instituts*, Athenische Abtheilung, XXIV. 2, Drs. Conze and Schuchardt give an extensive account (pp. 144) of the work done at Pergamus from 1886 to 1898. In the same journal, XXIII. 3, pp. 275-293, Professors Mommsen and Wilamowitz-Möllendorf published the text of the remarkable inscription, recently discovered at Priene, in which is recorded the action of the authorities of the province of Asia with respect to beginning the civil year with the birthday of Augustus. The language of the inscription, of which the date is probably about B. C. 9, has an important relation to certain passages of the New Testament; these relations are discussed by Harnack in *Die Christliche Welt*, No. 51.

Abbé Duchesne's *Le Forum Chrétien* (Rome, Spithover) contains three sections: I. Les Traditions Apostoliques; II. Les Églises du Forum; III. Le Forum et la Liturgie.

Noteworthy articles in periodicals: F. Walter, *Das Prophetenthum des Alten Bundes in seinem socialen Berufe* (*Zeitschrift für katholische Theologie*, 1899, 3); L. Ceci, *L'Iscrizione Antichissima del Foro e la Storia di Roma* (*Rivista d'Italia*, 1899, II. 7).

#### MEDIEVAL HISTORY.

In the *Analecta Bollandiana*, Tom. XVIII., fasc. 3, the principal document is the Greek Acts of Sts. David, Symeon and George of Mytilene, printed from a Laurentian codex at Florence. Daniel Papebroch had taken a copy of these acts, but identifying one of these saints with an April St. George had omitted the document from his February volumes. The same number of the *Analecta* begins a life of Ven. Lukardis, Cistercian, of Oberweimar, born about 1276. This is continued in Fasc. 4, which also contains an interesting article on saints of Istria and Dalmatia, summing up the results acquired by excavations and other archaeological inquiries recently conducted at Salona and at Parenzo. The completion of the Bollandist catalogue of the Greek hagiographical manuscripts of the Vatican library is presented in connection with these two numbers. Of the *Bibliotheca Hagiographica Latina Antiquae et Mediae*

*Aetatis* three fascicules have now been printed, extending from Abbanus to Iwius, and completing (pp. 687) the first volume.

M. J. Lair's two volumes entitled *Études Critiques sur divers Textes des X<sup>e</sup> et XI<sup>e</sup> Siècles* (Paris, Picard) consist of studies, marked by great learning and acute criticism, originating in the author's desire to prove the genuineness of an alleged bull in which Pope Sergius IV. (1009-1012) announces to Christendom the destruction of the Holy Sepulchre and calls upon the faithful to avenge the act by a holy war. This M. Lair had published in 1857 as genuine, but it has been rejected by scholars of high repute since then. In the course of argument for his thesis, M. Lair enters into many valuable discussions, *e. g.*, of the letters of Pope Sylvester II. and of the chronicle of Adhemar of Chabannes.

P. Fournier, in the *Revue d'Histoire et de Littérature Religieuses*, IV. 1, gives strong reasons for ascribing to Abbot Joachim of Flora a tract *De Vera Philosophia* which is to be found in a manuscript at Grenoble, and which is of importance to the history of the development of Joachim's thought.

Father Mandonnet's *Siger de Brabant et l'Averroïsme Latin au XIII<sup>e</sup> Siècle* (Collectanea Friburgensia, VIII.) illustrates at once the career of a hitherto obscure opponent of Saint Thomas Aquinas, condemned as a heretic in 1277, and also an interesting phase in the development of Aristotelian thought in the Middle Ages. Five brief treatises of the Brabantine philosopher are appended.

A new edition of Colonel Yule's translation of Marco Polo is in the press.

In Tom. IV., Vol. II. of the *Monumenta Ordinis Fratrum Praedicatorum Historica* (Rome, pp. 460) Brother Benedikt Maria Reichert presents the acts of the general chapters of the order from 1304 to 1378.

M. L. Mirot has gathered together into an interesting volume a series of articles published by him in *Le Moyen Age*, with the title: *La Politique Pontificale et le Retour du Saint-Siège à Rome en 1376* (Paris, Bouillon), in which the migration of Gregory XI. is studied from the papal accounts and other Vatican documents.

Noteworthy articles in periodicals: V. Ermoni, *La Pénitence dans l'Histoire* (*Revue des Questions Historiques*, January); H. M. Gietl, *Die Ursprung der pseudo-isidorischen Dekretalen* (*Historisches Jahrbuch*, XX. 2, 3); H. Grauert, *Pabstwahlstudien* (*Historisches Jahrbuch*, XX. 2, 3); H. Gelzer, *Die Genesis der Byzantinischen Themenverfassung* (*Abhandlungen der k. sächsischen Gesellschaft der Wissenschaften*, phil.-hist. Kl., XVIII. 5); G. Hoennicke, *Der Hospitalorden im Königreich Jerusalem, 1099-1187* (*Zeitschrift für wissenschaftliche Theologie*, XLII. 3).

#### MODERN EUROPEAN HISTORY.

In the *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, Vol. II., Professor Walter Friedensburg, secretary of the Prus-



sian Institute at Rome, has published the correspondence of Gasparo Contarini with Ercole Gonzaga, 1535-1542, and a plan for the campaign against the Schmalkaldic league, May or June 1546. Dr. G. Kupke has brought out three hitherto unknown letters of Melanchthon, of February 1552, preserved in the archives of Modena.

The history of several countries is illustrated, to a greater or less extent, by the autobiography of Catharinus Dulcis, of which Dr. F. Justi has published a German translation, *Leben des Professors Catharinus Dulcis, von ihm selbst beschrieben* (Marburg, Elwert) accompanied with many notes. Dulcis (1540-1626) wandered all over Europe, as tutor to young noblemen, until finally Landgrave Moritz made him professor of foreign languages at Marburg.

Some twenty German officers who took part in the war of 1870-1871 have contributed a chapter each, dealing with the part in which each fought, to a volume on *The Franco-German War*, which has been translated into English and edited by Major-General J. F. Maurice, C. B., and Captain Wilfred J. Long, and published, with many illustrations, by the Macmillan Company.

A new edition, revised and corrected and cheaper in price, of Lieut.-Col. Rousset's *Histoire Générale de la Guerre Franco-Allemande*, has begun to be published at Paris by Montgredien.

Noteworthy articles in periodicals: G. Küntzel, *Die Sendung des Herzogs von Nivernais an den preussischen Hof in 1755* (Forschungen zur Brandenburgischen und Preussischen Geschichte, XII.); H. Hueffer, *La Campagne de 1799; L'Armée Russe en Suisse* (Revue Historique, March); Duc de Broglie, *La Neutralité de la Belgique*, II. *Convocation de la Conférence de Londres* (Revue des Deux Mondes, January 15); C. Day, *The Experience of the Dutch with Tropical Labor*, I. *The Culture System* (Yale Review, February).

#### GREAT BRITAIN.

The British government has published a new volume of the *Calendar of State Papers, Spanish*, extending from 1587 to 1603; another of the *Calendar of State Papers, Colonial, America and West Indies*, 1685-1688; and the first volume of a new series, *Calendar of Documents preserved in France illustrative of the History of Great Britain and Ireland*, Vol. I., 918-1206, edited by Mr. J. Horace Round.

We learn, though without details, that a committee has been formed in England to promote the establishment of an English historical and archaeological school in Rome, affiliated with the English School at Athens.

Dr. Edward Owen of the Indian Office has compiled for the Cymmrodorion Society a descriptive catalogue of manuscripts relating to Wales, preserved in the British Museum. Professor Hugh Williams of Bala is preparing for the society a new edition of Gildas, with which the

society hopes to begin a series of editions of medieval writers on the history and legendary antiquities of Wales.

The Macmillan Company have published the first two volumes of an important *History of the British Army* (pp. xxxii, 591; xxii, 629), by the Hon. John Fortescue. The end of the second volume brings the work down to the peace of Paris, 1763; the two remaining volumes will reach the year 1870.

Schipper's edition of King Alfred's version of Bede's *Ecclesiastical History*, in Grein and Wülker's *Bibliothek*, is now completed (Leipzig, G. H. Wigand).

Sir Archibald H. Dunbar's *Scottish Kings; A revised Chronology of Scottish History, 1005-1625* (Edinburgh, Douglas, pp. xv, 420), a most useful handbook, contains lists of dates for each reign accompanied in each case with references to the sources which establish the chronology, tables of regnal years, genealogical tables, an alphabetical list of names of Scottish saints and festivals, with their dates, a bibliography of Scottish history, etc.

Dr. James Mackinnon, whose excellent book on the *Union of England and Scotland* appeared in 1896, has in the press of Messrs. Longmans an important work on Edward III.

Under the title, *The Eve of the Reformation* (New York, G. P. Putnam's Sons, pp. 460) Father F. A. Gasquet has gathered together a series of studies in the religious life and thought of the English people in the period indicated. The titles of the essays are: The revival of letters in England; The two jurisdictions; England and the Pope; Clergy and laity; Erasmus; The Lutheran invasion; The printed English Bible; Teaching and preaching; Parish life in Catholic England; Pre-reformation guild life; Medieval wills, chantries, and obits; Pilgrimages and relics.

William H. Woodward's *History of the Expansion of the British Empire, 1500-1870* (Cambridge, University Press, pp. 326) may be cordially commended as one of the best small books on its subject.

The Huguenot Society's fifteenth volume is a *History of the Walloon and Huguenot Church at Canterbury*, by Mr. Francis W. Cross, based on the unpublished records of the church. A list of these records is given in the appendix, together with forty-two documents derived from them.

The Macmillan Company are the American publishers of *Some Account of the Military, Political and Social Life of the Rt. Hon. John Manners, Marquis of Granby* (pp. 463), by Mr. Walter Evelyn Manners, with a portrait after the painting by Sir Joshua Reynolds.

Mr. John Murray publishes a small edition of the *Notes* from the private journal of the Right Hon. John Evelyn Denison, kept during his twenty-five years' service as Speaker of the House of Commons.

*The Memoirs and Correspondence of Lord Playfair*, published by Harper and Brothers, have been written and edited by Sir T. Wemyss Reid, from a fragment of autobiography left unfinished when Lord Playfair died. Americans will be especially interested in the record of Lord Playfair's good offices exercised at the time of the Venezuelan dispute in 1895. The history of the affair is fully presented in the volume, which contains the whole series of letters exchanged between Mr. Chamberlain, Lord Playfair, and Mr. Bayard.

In view of the present interest in South Africa, the delegates of the Oxford University Press have made a special issue of the *History of South Africa*, by Mr. C. P. Lucas, of the Colonial Office, which comes down to the Jameson raid, and is furnished with additional maps.

Mr. W. Broderick Cloete has brought out a new edition of the *History of the Great Boer Trek, and the Origin of the South African Republics* (Scribner, pp. 196), by his grandfather, Henry Cloete, H. M. High Commissioner for Natal in 1843 and 1844.

Messrs. Scribner are the American publishers of *The Memoirs of Princess Mary, Duchess of Teck*. The memoirs, in two volumes, are based on her diaries and letters, and are filled with reminiscences of Queen Victoria's court during the last fifty years, and of royal and other distinguished personages. The volumes are handsomely illustrated.

Noteworthy articles in periodicals: Zimmermann, *Zur kirchlichen Politik Heinrichs VIII. nach der Trennung von der römischen Kirche* (Römische Quartalschrift, 1899, 2-3); E. P. Cheyney, *The Disappearance of English Serfdom* (English Historical Review, January); F. Watson, *The State and Education during the Commonwealth* (English Historical Review, January); J. Morley, *Oliver Cromwell* (Century, January-March); T. Roosevelt, *Oliver Cromwell* (Scribner's Magazine, January-March); J. H. Round, *Cromwell and the Electorate* (Nineteenth Century, December); *The Years before the Raid* (Quarterly Review, January).

#### FRANCE.

M. G. Gavet, professor of the history of law in the University of Nancy, has published (Paris, Larose), chiefly for the use of students of the history of law and of institutions, an excellent bibliographical manual entitled *Sources de l'Histoire des Institutions et du Droit Français*, preceded by an introduction on historical methods as applied to legal and constitutional history, and followed by a glossary.

The Société de l'Histoire de France has published the first of three volumes in which it will gather together the passages relating directly or indirectly to French history in the Journal of Antonio Morosini, a source rich in details for the history both of French enterprise in the East, French politics and French commerce in the latter part of the fourteenth century and the beginning of the fifteenth. M. L. Dorez has provided the translation from the Venetian Italian of the original, M. G. Lefèvre-



Pontalis the notes and introduction. Vol. I. extends from 1396 to 1413. The society has also published the sixth volume of the *Lettres de Louis XI.*, 1475-1478, ed. J. Vaesen, and the first volume of its new series, *Lettres de Charles VIII.*, ed. Pélicier, letters extending from 1483 to 1488, gathered from all over Europe. It has also brought out the first of three volumes of the inedited *Mémoires du Chevalier de Quincy*, 1697-1703, presenting a highly interesting picture of military life at the end of the reign of Louis XIV.

M. A. Marignan has published two remarkable volumes of a series of *Études sur la Civilisation Française* (Paris, Bouillon), of which the first deals in general with Merovingian society, while the second is entirely devoted to the subject of the cult of the saints in Merovingian times.

The Academy of Inscriptions and Belles-Lettres has nearly ready Vol. XXIV. of the *Recueil des Historiens*.

Father Denifle has followed up his documentary publication, *La Désolation des Eglises*, etc., in France by a general history, *La Guerre de Cent Ans* (Paris, Picard, pp. 864), based on thorough study of printed sources and especially of the rich materials for the subject contained in the archives of the Vatican.

M. Henri Welschinger's *La Mission Secrète de Mirabeau à Berlin*, 1786-1787 (Paris, Plon, pp. 522) is printed from Mirabeau's drafts, now preserved in the archives of the French Foreign Office, of those secret reports to Talleyrand which were published in 1789 (but with some sophistications) as the *Histoire Secrète de la Cour de Berlin*. To these are added the remarkable letter of Mirabeau to Talleyrand of March 14, 1787 (a sort of preliminary sketch of the *Monarchie Prussienne*), and extracts from the reports of the French envoy Esterno in Berlin. Since the preparation of the book the Prussian Foreign Archives have by chance acquired a considerable parcel of the letters of Talleyrand to Mirabeau.

In a book called *Quelques Préliminaires de la Révocation de l'Édit de Nantes en Languedoc* (Toulouse, Privat) M. P. Gachon has studied with great care the measures by which, from 1661 to 1685, the Protestants of the south of France were oppressed by the royal and local governments.

M. Frantz Funck-Brentano has published, in a series of bibliographies published by the Société des Études Historiques, *La Prise de la Bastille*, a bibliography comprising information as to both unprinted and printed sources.

The fourth volume of M. Alexandre Tuetey's *Répertoire Général des Sources Manuscrites de l'Histoire de Paris pendant la Révolution Française* (Paris, Imprimerie Nouvelle, pp. xxxv, 652) is devoted to the bibliography of the chief events of the legislative Assembly, down to the tenth of August, 1792. The editor, in his introduction, gives a fresh critical study of the events of that day.

Of the other government publications on the French Revolution, the *Paris pendant la Réaction Thermidorienne et sous le Directoire*, ed. Aulard, advances to March 10, 1797 (Vol. III.), and the *Récueil des Actes du Comité de Salut Public*, ed. Aulard, to April 22, 1794 (Vol. XII.).

Commandant Boppe, whose *Légion Portugaise* was received with favor on its publication, has published another study of Napoleon's foreign contingents, *Les Espagnols à la Grande Armée* (Paris, Berger-Levrault, pp. 259), dealing with the corps which served under La Romana and with the Régiment Joseph-Napoléon.

The so-called *Mémoire de Pons de l'Hérault aux Puissances Alliées*, which the Société de l'Histoire Contemporaine has lately published (Paris, Picard, pp. lvi, 374) is in reality a personal or autobiographical memoir, which owes its interest to the fact that its author was director of mines on the island of Elba at the time when Napoleon came there in 1814, and that, speedily becoming an enthusiastic devotee of the Emperor, he had some part in his escape and in the early movements of the Hundred Days.

The seventh volume of the *Souvenirs du Baron de Barante* covers the years 1841 to 1851, and contains much interesting matter relating to 1848, selections from which were printed, last May and June, in the *Correspondant* and the *Revue de Paris*.

To Vol. XXI. *et seqq.* of the *Revue Politique et Parlementaire* M. Fournier contributes a systematic list of the French parliamentary publications since 1871.

M. Léon Muel's *Les Crises Ministérielles en France de 1875 à 1898* (Paris, P. Mouillot, pp. 134) gives from official sources a chronological list of ministers, a history of the decisive interpellations and of the fall of cabinets, and documents and indices.

M. Lacave-La Plagne-Barris's cartulary of the cathedral chapter of St. Mary at Auch (*Archives Historiques de la Gascogne*, II. 3, Paris, Champion) has unusual importance as being one of the first important cartularies published that relate to Gascony, to whose history it is a serious contribution.

Noteworthy articles in periodicals: E. Glasson, *L'Évolution de la Propriété Foncière en France pendant la Période Monarchique* (*Compte-Rendu de l'Académie des Sciences Morales et Politiques*, November); R. Poupardin, *Les Grandes Familles Comtales à l'Époque Carolingienne* (*Revue Historique*, January); A. Luchaire, *La Condamnation de Jean Sans-Terre par la Cour de France* (*Revue Historique*, March); C. de la Roncière, *L'Invasion Anglaise sous Charles VI. Dernières Batailles Navales* (*Revue des Questions Historiques*, January); A. Spont, *Les Français à Tunis, de 1600 à 1789* (*Revue des Questions Historiques*, January); B. E. O'Meara, *Talks with Napoleon* (*Century*, February, March); A. Stern, *Der Grosse Plan des Herzogs von Polignac vom Jahr 1829* (*Historische Vierteljahrschrift*, III. 1).

## ITALY, SPAIN.

M. Leon G. Péliissier presents, in the January number of the *Revue des Questions Historiques*, a summary review of recent books of Italian history written in Italy.

Francesco Campana was the chief secretary of Cosimo de' Medici. Little has been known of him hitherto ; but in the *Archivio Storico Italiano*, No. 214, Signor Francesco Dini, sub-archivist of the state archives of Florence, presents a full study of his life and family, based on documents which are printed in No. 215.

Vol. XXII., fasc. 3-4, of the *Archivio della R. Società Romana di Storia Patria* contains an article by M. Rosi on the conspiracy of Giacinto Centini against Urban VIII. in 1635, an interesting anonymous letter describing the magnificent entertainment provided for Clement VI. by two of his cardinals at Avignon in 1343, and continuations of the documents of the monastery of Saints Cosmas and Damianus in Mica Aurea and of G. Tommassetti's archaeological studies of the Roman Campagna.

At the instance of the University of Catania, Professor Remigio Sabadini has begun the preparation of a scholarly history of the University. Part I. (Catania, C. Galatola, pp. 126) contains a careful historical narrative extending from the foundation in 1444 to 1500, and a larger collection of documents.

The *Boletín* of the Royal Academy of History at Madrid for July-September, 1899, contains a catalogue of the documents of the Order of Calatrava and of the Cortes of the kingdom of Navarre from 1411 to 1828.

Dr. Konrad Häbler, unwearied in his contributions to Spanish history, makes use of the *Wallfahrtsbuch des Hermannus Künig von Vach* as the ground of a small volume on the German medieval pilgrimages to Santiago de Compostella (Strassburg, Heitz).

M. Desdevises du Dezert has added a second volume, on institutions, to his great work on *L'Espagne de l'Ancien Régime* (Société Française de Librairie).

Noteworthy articles in periodicals : R. Davidsohn, *Ueber die Entstehung des Konsulats in Toskana* (Historische Vierteljahrschrift, III. 1) ; E. Armstrong, *The Sienese Statutes of 1262* (English Historical Review, January) ; F. C. Pellegrini, *Cosimo de' Medici* (Archivio Storico Italiano, XXIV. 3) ; G. Koch, *Die Entstehung der italienischen Republik, 1801-2* (Historische Zeitschrift, LXXXIV. 2) ; G. de Grandmaison, *Savary en Espagne, 1808* (Revue des Questions Historiques, January).

## GERMANY, AUSTRIA, SWITZERLAND.

We note the completion of the third volume of the *Epistolae Karolini Aevi* in the series of the *Monumenta* ; the issue of Vol. LXXIV. of the *Publikationen aus den k. preussischen Staatsarchiven*, Prussian and



Austrian documents on the preliminaries of the Seven Years' War, edited by Gustav Berthold Volz and Georg Küntzel (Leipzig, Hirzel, pp. clxxxiv, 764); and of the twenty-fifth volume of the *Politische Correspondenz Friedrich's des Grossen* (Berlin, Duncker, pp. 405).

The second edition of Böhmer's *Regesta Imperii*, Carolingians, part I. (Innsbruck, Wagner, pp. 480), prepared by Professor Engelbert Mühlbacher of Vienna, contains only 34 more documents than its predecessor, but is much enlarged in other respects, as the result of the labors of various scholars in this field during the last two decades.

A general organ or intermediary for German students of local history has been founded by Herr Armin Tille. It is named *Deutsche Geschichtsblätter, Monatsschrift zur Förderung der landesgeschichtlichen Forschung*, and it is published at Gotha by Perthes. The first number, that of October, 1899, contained a general article on *Landesgeschichte* by Dr. Karl Breysig, one on the military institutions of the medieval towns, by Georg Liebe, and one on descriptions of Germany in the time of the Reformation, by V. Hantzsch.

Vol. 84 of the *Archiv für österreichische Geschichte* contains an elaborate and important constitutional study by Dr. Heinrich Kretschmayr on the office of vice-chancellor of the Empire, 1519-1806.

Professor Erich Brandenburg of Leipzig, author of a well-known work on the Elector Maurice, has brought out the first volume (-1543) of a collection of the *Politische Korrespondenz des Herzogs und Kurfürsten Moritz von Sachsen* (Leipzig, Teubner, pp. xxiv, 761). The work is one of those sustained by the Saxon Historical Commission.

In the *Zeitschrift für die Geschichte des Oberrheins*, XIV. 4, Dr. O. Winckelmann makes an important contribution, the result of a variety of investigations, to the history of Sleidan and his works.

In the Vienna Academy's *Fontes Rerum Austriacarum* the latest volume (Bd. XLIX.) is Fed. von Demelitsch's *Actenstücke zur Geschichte der Coalition vom Jahr 1814* (Vienna, Gerold, pp. xiv, 452).

It is confidently expected that large additions to the recent Bismarck material will be made by the approaching publication (Munich, Albert Langen) of Dr. Hans Blum's *Persönliche Erinnerungen an den Fürsten Bismarck*.

Dr. Hans Prutz has brought out two volumes of *Preussische Geschichte* in the Heeren and Ukert series (Stuttgart, Cotta), the one narrating the early history of Brandenburg and Prussia, to 1655, the other the period from 1655 to 1740.

At the meeting of the Saxon Historical Commission on December 16, 1899, it was announced that the first volume of the *Acten und Briefe Herzog Georgs*, edited by Professor Gess, was ready for printing; that the *Lebensbuch Friedrichs des Strengen*, 1349, was nearly ready; and that the correspondence of the Electress Maria Antonia with the Empress

Maria Theresa was so far advanced that printing might be begun before the close of 1900.

Dr. Albin König has published in the *Leipziger Studien* a volume of much value and interest on *Die Sächsische Baumwollenindustrie am Ende des vorigen Jahrhunderts und während der Kontinentalsperre* (Leipzig, Teubner, pp. 370), in which he has traced with much care the early development and organization of the cotton industry in Saxony down to 1806, the effects of English competition before this time and during the prevalence of the Continental System, and the general results of that system on this branch of industry in Saxony.

The Swiss government, after extensive researches carried on upon its behalf at Vienna, has begun the publication of a new documentary series, *Urkunden zur Schweizer Geschichte aus Oesterreichischen Archiven*. The first volume (Basel, A. Geering, pp. xvi, 634) edited by Rudolf Thommen, extends from 765 to 1370. The government has also brought out the seventh volume of its *Amtliche Sammlung der Acten aus der Zeit der Helvetischen Republik*, ed. Johannes Strickler (Basel, Geering, pp. 1614) extending from June 1801 to May 1802.

M. Édouard Rott, after long researches in the Archives of Paris, has brought out an important volume on *Perrochel et Masséna et l'Occupation Française en Helvétie, 1798-1799* (Neuchâtel, Attinger, pp. 375), of which a portion was read at the meeting of the Société Générale d'Histoire Suisse, at Altdorf last September.

Noteworthy articles in periodicals: E. Glasson, *Le Rôle Politique du Conseil Souverain d'Alsace* (Revue Historique, January); T. Schiemann, *Zur Würdigung der Konvention von Taurigen* (Historische Zeitschrift, LXXXIV. 2); P. Matter, *La Prusse au temps de Bismarck; Le Landtag Uni de 1847* (Revue Historique, March).

#### NORTHERN AND EASTERN EUROPE.

Professor Oskar Alin of Upsala has published (Stockholm, Norstedt) the first volume of a careful work on the period of Bernadotte's regency, *Carl Johan och Sveriges Yttre Politik, 1810-1815*.

Mr. R. Nisbet Bain has followed up his book on *The Pupils of Peter the Great* by a book entitled *The Daughter of Peter the Great* (Westminster, Constable, pp. 342) being a history of Russian diplomacy and the Russian court under the Empress Elizabeth, 1741-1762.

Professor August Fournier of Vienna contributes to the *Mittheilungen des Instituts für österreichische Geschichtsforschung*, XX., a first paper on the history of the Polish question in 1814 and 1815, in which he displays the attitude originally held by Metternich as to the cession of Saxony to Prussia, and the relation of this to the question of Poland.

Messrs. Houghton, Mifflin and Co. have published, in a volume entitled *Memoirs of a Revolutionist* (pp. 519), the autobiographical papers which Prince Kropotkin has been contributing to the *Atlantic Monthly*, now enlarged by considerable additions.

In *The Heart of Asia: A History of Russian Turkestan and the Central Asian Khanates*, by Francis Henry Skrine and Edward Denison Ross (London, Methuen), Mr. Ross gives an admirable history of that region from the earliest times to those of Nasr-Allah, treating however with especial fulness and learning the period before the death of Jinghiz Khan; while Mr. Skrine surveys, from the point of view of an expert Anglo-Indian official, the history of recent years and the process of Russification.

#### AMERICA.

Mr. R. R. Bowker has brought out Part I. of his *State Publications: A Provisional List of the Official Publications of the Several States of the United States from their Organization* (New York, *The Publishers' Weekly*, pp. 99). This first part embraces the New England States. The whole work will consist of three or more parts. It is modelled in general plan upon the lists of state publications included as appendices in the *American Catalogue* of 1884-1890, and in that of 1890-1895, but covers the publications of the states from their organization to the present time. It is based upon material furnished from the state libraries and other libraries interested in the work and upon printed catalogues and documents, and is of considerable value to historical students.

Profesor Edwin E. Sparks of the University of Chicago has brought out a new edition (Columbus, A. H. Smythe, pp. 96) of his *Topical Reference Lists in American History*, first published in 1893.

Messrs. Houghton, Mifflin and Co. have published the second volume of Mr. S. M. Hamilton's edition of *The Letters to Washington*, preserved in the archives of the Department of State. The years covered are 1756-1758.

M. Henri Doniol has at last completed his monumental *Participation de la France à l'Établissement des États-Unis de l'Amérique* (Paris, Imprimerie Nationale) by adding a supplement to Vol. V., devoted to the treaty of Versailles and its results.

Among recent contributions to the history of the War of 1812 on the Canadian frontier, we may mention Mr. Lewis Babcock's *The Siege of Fort Erie* (Buffalo, the Peter Paul Book Co., pp. 64); a new and revised edition of Lieut.-Col. E. Cruikshank's *Drummond's Winter Campaign*, published by the Lundy's Lane Historical Society; and a brief paper on *The Battle of Queenston Heights*, by Mrs. S. A. Curzon, published by the Women's Canadian Historical Society of Toronto.

The Johns Hopkins Press expects to issue in April Dr. John H. Latané's lectures on *The Diplomatic Relations between the United States and Spanish America*, the first volume of the "Albert Shaw Lectures on Diplomatic History," sustained by Dr. Albert Shaw, of New York.

Nineteen confidential letters of Justice McLean, written between 1846 and 1859, were printed in the last October number of the *Bibliotheca Sacra*.



The Michigan Political Science Association has just printed a *History of the Clayton-Bulwer Treaty* (pp. 312) by Dr. Ira Dudley Travis.

The Record and Pension Division of the War Department has compiled from official records and published an *Executive and Congressional Directory of the Confederate States* (pp. 12).

Messrs. Harper and Brothers expect to publish this spring *The Letters and Reminiscences of Robert E. Lee*, edited by his son, Capt. R. E. Lee, a volume which is expected to throw new light upon Confederate history during especially the closing days of the war.

Mr. Melville M. Bigelow, has been appointed by the governor of Massachusetts to continue Mr. A. C. Goodell's *Acts and Resolves of the Province of Massachusetts Bay*.

From Mr. Robert T. Swan's *Twelfth Report on the Custody and Condition of the Public Records of Parishes, Towns and Counties* (Massachusetts) we learn that the following records have been put into print since a year ago: Fitchburg, town meetings and selectmen, 1764-1806; Franklin, births, marriages and deaths, 1778-1872; Lexington, births, marriages and deaths, from the earliest record to 1897.

In the *Monthly Bulletin* of the Boston Public Library for January is printed a letter of Jesse Lukens to John Shaw, jr., written from the camp at Prospect Hill on September 13-18, 1775.

The Westborough Historical Society has printed a *Diary of the Rev. Ebenezer Parkman, of Westborough, Mass.* (pp. 327), embracing several months in 1737, November and December, 1778, and the years 1779 and 1780. The volume is edited by Miss Harriette M. Forbes.

The Preston and Rounds Company, of Providence, have published *The Diary of Col. Israel Angell* (pp. 149), edited from the original manuscript by Mr. Edward Field. Colonel Angell commanded the Second R. I. Continental Regiment in the Revolution. The diary extends from 1778 to 1781.

In a paper read before the New Haven Colony Historical Society Professor Simeon E. Baldwin considers *The Authorship of the Quatre Lettres d'un Bourgeois de New-Heaven* published in Mazzei's *Recherches* (letters in reality written by Condorcet).

Mr. John Hooker of Hartford, a well-known lawyer, publishes a considerable volume entitled *Some Reminiscences of a long Life* (Hartford, Belknap and Warfield, pp. 351). Mr. Hooker, son of that Edward Hooker of whose diary a portion was published in the first Report of the Historical Manuscripts Commission, was born in Connecticut in the early years of the present century. An appendix contains articles on social life in Farmington, Connecticut, early in the century, and on the early abolition movement, in which Mr. Hooker took part.

The December *Bulletin* of the New York Public Library completes Benavides's report on New Mexico in 1626, and gives a letter of Governor

McKean written from Pittsburg at the time of the Whiskey Insurrection. That of January contains Cromwell's letter to John Cotton possessed by the Library and often printed before. That of February prints thirteen letters of Monroe—the nervous and self-conscious Monroe of early days—recently acquired by the Library. With Mr. S. M. Hamilton's *Writings of James Monroe* approaching their period, these letters might perhaps have been left to take their proper place in his collection. The Library has recently acquired sets of the *Atti del Parlamento Italiano* and of the *Gazetta Ufficiale del Regno d'Italia*, extending from 1845, 424 volumes, an important collection of books relating to Mormonism, 202 letters from and to J. A. Hamilton, and a continuation of its Loyalist transcripts.

Mr. Francis P. Harper of New York has printed a complete *Historical Index to the Manuals of the Corporation of the City of New York*, better known as "*Valentine's Manuals*," in whose twenty-eight volumes, issued from 1841 to 1870, a large and often valuable amount of historical matter is distributed with a disregard to system that has called loudly for an index. That which is now printed contains 2325 references.

Mr. Arthur J. Weise has written for Major William Merrill Swartwout *The Swartwout Chronicles*, a history of the Swartwout family of Friesland and America from 1338 to 1899, which contains material of some importance to our political history. The book is intended for private distribution and is limited to 100 copies.

The January number of the *Pennsylvania Magazine of History* opens with a description of the Philadelphia State-House derived from a magazine issued in manuscript in 1774 by the boys of Robert Proud's Latin school. Lieut. Richard Meade Bache dissects the legend as to Franklin's suit of Manchester velvet, worn at the Cockpit when Wedderburn attacked him, and sometimes alleged to have been worn when the treaty of Versailles with Great Britain was signed. The statement as to the Penns and the taxation of their estates is continued, and that of their general title to their estates in Pennsylvania is concluded. The editor prints a group of Revolutionary letters from Gen. Woodford of Virginia, a report of Gov. Keith to the Lords of Trade, 1717, notes on the battle of Germantown, by Captain Friedrich Ernst von Münchhausen, and a very interesting letter written by Henry Clay in 1827, and giving a detailed account of his acquaintance and personal intercourse with Gen. Jackson up to that time.

Mr. J. F. Sachse is about to follow up his *German Pietists of Pennsylvania*, 1694-1708, and his *German Sectarians of Pennsylvania*, 1708-1742, with a second volume of his *German Sectarians*, covering the years 1742-1800. Mr. Sachse has also prepared a volume entitled *The Fatherland in its Relation to Pennsylvania*, 1450-1700, which is brought out as Part I. of a *Narrative and Critical History* prepared at the request of the Pennsylvania German Society and published in a very small edition by

William J. Campbell of Philadelphia, the publisher of his former books. Part III. of the same narrative and critical history is *The German Emigration to America, 1709-1740*, by Professor Henry E. Jacobs of the Lutheran Theological Seminary.

The November number of the *Confederate Veteran* contains Dr. Hunter McGuire's report on school histories in the South, presented to the Virginia veterans at Pulaski City last autumn; also an account by Judge Walter Clark of the progress made in preparing a history of North Carolina under the Confederacy.

In the *Johns Hopkins University Studies*, XVII. 9, 10, 11, Professor George W. Ward of Western Maryland College gives a careful and intelligent account of The Early Development of the Chesapeake and Ohio Canal Project, an episode in the history of "internal improvements" by Federal and, when that finally failed, by state aid. XVII. 12 is on Public Educational Work in Baltimore, by Professor Herbert B. Adams.

The late Henry Stevens, prior to his death in 1886, had completed an edited reprint of Harriot's *Virginia*, which is now presented to the public in two volumes, by the firm of Henry Stevens, Son and Stiles, of London. The first volume (pp. 200) is a biography of the author, *Thomas Harriot the Mathematician, the Philosopher and the Scholar*; the second contains a verbatim reprint of the rare *Briefe and True Reporte of the New-Found Land of Virginia*. The edition is a small one.

The *Proceedings* of the Virginia Historical Society at their annual meeting on December 30, 1899, reports the society to have 777 members. The library has acquired, among other papers, a large collection relating to the Corbin family, and letter-books of Ralph Wormeley, Jr., of "Rosegill," Middlesex County, and of Rev. Stith Mead, an early Virginia Methodist minister. The society's catalogue of its manuscripts is reported as nearly ready for publication.

In the January number of the *Virginia Magazine of History*, beside continuations of some of the papers heretofore printed, we find a series of documents relating to the Vigilance Committee of 1813 and 1814, organized to provide against threatened British attack; papers relating to the Virginian citizenship of John Paul Jones; and one more series of items relating to Virginian libraries of the colonial period, with a convenient bibliography of the many such lists published in recent years.

Dr. William E. Dodd is engaged in the interesting and worthy task of preparing a biography of Nathaniel Macon, and would be glad to know of any materials relating to the subject. His address is Hickory Grove, N. C.

*My Life and Times, 1810-1899*, by John R. Adger, D.D. (Richmond, Presbyterian Committee of Publication, pp. 681) has a decided interest as a contribution to the religious history of the Southern states. The author was for twelve years a missionary of the American Board in



Turkey, for five years a missionary to the negroes in Charleston, S. C., and afterwards a teacher in the theological seminary in Columbia. His reminiscences cast light on the contest respecting the American Board and abolitionism, the schism which resulted in the separate organization of the Southern Presbyterian Church, the Civil War, and the ecclesiastical condemnation of Professor Woodrow for teaching the doctrine of evolution.

The legislature of the state of Mississippi has lately passed an act providing for the appointment of a History Commission, like that of Alabama, to make inquiries and reports regarding the manuscript sources of the history of the state, and appropriating two thousand dollars to the State Historical Society to enable it to enlarge the scope of its activities.

The October number of the *American Historical Magazine* of Nashville contained, beside its installment of the letters of Robertson, General Jackson's report of the battle of the Horse-shoe, letters of General Sam Houston relating to his resignation as governor of Tennessee, and a group of letters of Governor Joseph McMinn, 1818, 1819.

An account of the archives of the Catholic cathedral church of New Orleans, the old parish church of St. Louis, is given in the *Publications of the Southern History Association* for January, pp. 75-77.

The Statute Law Book Co. of Washington have reprinted in limited editions of only 50 copies two rare books of Arkansas statutes; the *Acts passed at the Ninth Session of the General Assembly of the Territory of Arkansas*, October-November, 1835, and the *Laws of the Territory of Arkansas*, 1821.

In the January *Quarterly* of the Texas State Historical Association Professor James Q. Dealey demonstrates that the Mexican constitution of 1824 had for its real model the Spanish (Cadiz) constitution of 1812, rather than, as often alleged, that of the United States. Mr. Bethel Coopwood continues his study of the route of Cabeza de Vaca.

By vote of the Commissioners' Court of Bexar County the University of Texas came into possession some time ago of the Archives of Bexar, or official archives of Spanish and Mexican Texas, a collection of historical manuscript embracing between three and four hundred thousand pages, and of priceless value for early Texan history. Dr. Lester G. Bugbee has reprinted in a small pamphlet, *The Archives of Bexar*, the preliminary account of these treasures which he wrote for the *San Antonio Express* and the *University Record*.

The Illinois State Historical Society held its first annual meeting on January 5 and 6, at Peoria. Since there is already a State Historical Library (whose president is also president of the new organization), the Society will devote itself at present to publication and to the work of stimulating and organizing local historical research.

The citizens of De Pere, Wisconsin, have erected a boulder monument to the memory of Father Claude Allouez, near the site of the Mis-

sion of St. Francis Xavier, which was established by Allouez at De Pere Rapids in the winter of 1671-1672. The monument was unveiled by the State Historical Society in September last.

In three recent bulletins the State Historical Society of Wisconsin gives "Suggestive Outlines for the Study of Wisconsin History," topics with bibliography; a selected list of printed material relating to the history of Wisconsin, accompanied by a classified list of the papers and documents which have appeared in the Society's volumes; and a set of sensible "Suggestions to Local Historians in Wisconsin," revised from a former bulletin.

The January number of the *Annals of Iowa* is mainly occupied with a history by Hon. John A. Kasson of "The Fight for the New Capitol," and with an account of the Quakers in Iowa by D. C. Mott.

Mr. Charles F. Lummis, in the eleventh volume of his magazine, *The Land of Sunshine*, published at Los Angeles, has begun the printing of a translation of Fray Zarate-Salmeron's *Relacion* concerning New Mexico, 1538-1626.

The *Annual Report of the Ontario Historical Society* for 1899 furnishes the minutes of their meetings and the reports of a dozen local and other affiliated societies. The Ontario Historical Society has also published the first volume of a series of *Papers and Records* (Toronto, William Briggs, pp. 140) containing long lists of names found in marriage and baptismal registers, short papers relating to the settlements of the Loyalists, and the reports of David Thompson, a surveyor who had much to do with determining questions between the United States and Canada as to the ownership of the islands in the boundary rivers.

The *Annual Transactions* of the United Empire Loyalists' Associations of Ontario, for the year ending March 9, 1899 (Toronto, Church of England Publishing Co., pp. 121) contains several interesting documents relating to the earlier days of Ontario, the War of 1812 and the fortunes of individual Loyalists.

*Queen's Quarterly* (Kingston, Canada) is printing installments of the early quarter-sessions records of Ontario, edited by Professor Adam Shortt.

Mr. Benjamin Sulte, of the Department of Militia and Defence in the Dominion Government, has written a brief *Histoire de la Milice Canadienne-française*, 1760-1897 (Montreal, Desbarats et Cie., pp. 148), containing an authoritative record of the military services of the Canadian-French during the period indicated. It has been recently published in a handsome volume by the officers of the 85th Battalion (Montreal) of the Volunteer Canadian Militia, to commemorate the Queen's Jubilee. Mr. Sulte has also printed an excellent narrative of the Chateaugay campaign, *La Bataille de Chateaugay* (Quebec, Raoul Renault, pp. 130).

Noteworthy articles in periodicals: C. H. Levermore, *Thomas Hutchinson, Tory Governor of Massachusetts* (New England Magazine, February); J. Brigham, *State Historical Collections in the Old Northwest* (Forum, January); *The Venezuelan Arbitration* (Edinburgh Review, January); G. Edmundson, *The Dutch Power in Brazil*, II. (English Historical Review, January).



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THE CRITICAL PERIOD OF ENGLISH CONSTITUTIONAL HISTORY

MORE than one period in the constitutional history of England may rightly be called critical. The concluding years of the reign of Richard II., and the periods of the Yorkist, Tudor, and Stuart dynasties are all critical in one sense of the word. But in none of these was anything more than the form of the result really at stake. Its essential character was never involved. The attempt of Richard II. to reverse the course of things was very skilful and to a certain point successful, but it fell in a time of most rapid and vigorous constitutional growth, and if the accidental personal element in the case had not furnished a leader to the opposition one would have been found elsewhere. We have at least every reason to believe so from the consummate leadership that must in some form have directed the marvellous constitutional advance of the fourteenth century. The revolution of 1399 might have been postponed for a short time, but Richard could not have prevented it nor have defended himself against it.

The Tudors were the heirs of the Yorkist monarchy, and constitutionally, from the present point of view, the periods are to be considered one. While the will of the sovereign during this period was as supreme in the control of public affairs as under the early Angevin kings, and while a despotism was established theoretically full of the most insidious danger to the constitution, practically circumstances which were of the very nature of the situation compelled an amount of dependence upon Parliament or alliance with it which prevented any permanently disastrous result. Some years before the close of the period it became evident, not merely that the constitution had suffered no loss, but that the time was ripe for that new advance which was undoubtedly aided by the character of the first Stuart kings.

kingship, an equally great change had taken place, though the change here was less nearly completed. The unlimited kingship had indeed disappeared and if it is hardly possible to say that a definitely limited kingship had taken its place, the idea of such an institution had been formed, the fundamental principles upon which it was to be based had been clearly and consciously conceived, a series of precedents of their successful enforcement against the opposition of the sovereign had been established and the machinery by which in the end the government was to be operated in accordance with them had begun to take form. The continuous and rapid progress of the fourteenth century was needed to erect upon these beginnings anything which may be called a constitution in the modern sense, but the thirteenth century was the determining and creative age which rendered the work of the fourteenth possible.

If at the beginning of the thirteenth century England was still a thoroughly feudal state, in the feudal system of the twelfth century one development of decisive influence upon the future had taken place. The extreme severity with which the kings enforced their feudal rights and pushed them to the utmost limits, as in the case of wardship and marriage, had forced the baronage to study the question of the king's rights from their own point of view, and to endeavor to define and limit them by specific formulation. The charter of Henry I. as a statement of feudal public law is crude and incomplete. It could not be otherwise considering its date, and it is but slightly more so than the similar statements of both public and private feudal law which were made at about the same time in Italy;<sup>1</sup> but its purely practical character is evident at a glance. It is an attempt by definition of existing rights to check a development of them in favor of the king which the barons had reason to fear had already begun. That progress in this direction was made during the following century is evident both in the far greater clearness of conception and statement in the Magna Carta, and, in a different way, in the assertion at about the same time that feudal obligations in England did not include service in France—a claim which the recognized feudal law of the beginning of the century would not warrant. Of all the influences existing in England at the beginning of the thirteenth century which could shape the progress of that age, this tendency to subject the rights of the king

<sup>1</sup> It is true that this distinction does not exist in feudal in the same way that it does in other systems of law, that the feudal system is, as it has been called, a usurpation of the domain of public by private law; and yet, if the distinction is not pushed too far, it is useful and for certain purposes necessary. There is a sense in which the *curia* of the king is a different thing from the *curia* of a minor baron, though no line of institutional difference can be drawn between them.



to strict scrutiny and definition is the most important. It is the only tendency opposed to the absolutist drift of the time, and combined with the fundamental principles of feudalism it determined the result.

At the beginning of the thirteenth century, the fact which set in motion the train of events, was the break-down of the feudal system as a source of government supply. The increasing amount and complexity of business in England, which showed itself on one side in the rapid development of the royal courts, showed itself upon another in the increasing expenses of the government, which it was no longer possible to meet with the ordinary sources of revenue. To the men of the time the efforts of the kings to raise money were signs and proofs of their complete depravity, and there is no doubt but that the difficulties of the case were complicated through more than half the century by bad government; but the best king that ever reigned, had his lines fallen in England in the thirteenth century, would have been forced to resort to much the same expedients. The French monarchy had to face this difficulty later and less suddenly than the English, but it made use of practically the same means to meet it, and experienced practically the same opposition, though this was for special reasons less united and less intelligent.

If it could have been possible for John, or for his minister, to have an idea so far in advance of his time, we should be tempted to say of him that he was trying in the early years of his reign to develop something like the regular annual revenue of a modern state. To do this under the conditions of the time required, not merely the most arbitrary action on the part of the king, begun and directed by his will alone, but also a more violent straining of the king's feudal right than any of his predecessors had ventured upon. It is no wonder that the alarm of the baronage was excited. If they had not had behind them the training of a century and a half in guarding carefully their feudal rights against the encroachments of an absolute monarchy, they could hardly have failed to realize the tendency of these measures. While, however, the question of taxation set in motion the train of events, Magna Carta shows plainly that the barons had not failed to recognize the more insidious but equally great danger with which they were threatened by another advance of the royal power—by the rise in the king's courts of another system of law and justice than the feudal. This involved a violation of feudal law less openly and directly than did John's taxation, but quite as truly; and many provisions of the charter, both of a general and of a special character, are aimed against it.

But these tendencies of John's toward absolute action were only the natural continuation of tendencies which had begun at least as early as his father's time, and which had continued through his brother's reign. There is evidence in the *Magna Carta* that this fact had not been unnoticed by the barons. But if they had been conscious of the drift of the kings' policy they had been apparently powerless against it. There was no opportunity under either king to arrest it. What made successful opposition possible under John, and gave the opportunity for the *Magna Carta*, was not the fact that this tendency was now more rapid and undisguised, but it was the character of the king. Had John been as firm and steady as his father, or even as his brother, it is more than probable that he would have been successful. It was John's badness, and in the essential matter his weakness, which made it possible to unite against him a powerful opposition, and to force him to a formal and emphatic recognition of the rights of his vassals. In other words, the existence of the *Magna Carta*—the first step toward the English constitution—depended on the character of the king, always something of an accident in a monarchy.

Examined from the point of view of those who framed it, the *Magna Carta* will be found to contain three great provisions or sets of provisions. First, no taxation of the feudal community without its consent, beyond the regular aids.<sup>1</sup> Second, no modification or violation of the law by the arbitrary action of the king; and third, should the king be determined to free himself from the law, the right of forcing him to submit to it by civil war and if necessary by temporary deprivation of the royal power. It will be seen at once that this last logically involved to make it complete what the *Magna Carta* explicitly disavowed, but what was immediately and continually found necessary, the right of permanent deposition.<sup>2</sup>

<sup>1</sup> It will be noticed that while Art. 12 of *Magna Carta* does not prove that London was a commune it places it for the purpose of the article in the position of a king's vassal, which was technically the position of the French commune. This is the more noteworthy as a comparison of this article with Art. 32 of the Articles of the Barons shows that the point was somewhat carefully considered.

<sup>2</sup> This right and not that of electing the king was the essential one upon which the security of the constitution depended. The old Teutonic election was as empty a form in England as in France. The right of choosing the successor of a deposed king was a logical but unessential result of the right of deposition. What was absolutely necessary to the continued existence of the constitution was the right of deposing a king already in possession of the throne, or of holding this fate in reserve as a means of coercion. That the right of election received later so much more emphasis than the right from which it was derived was due to accidents of the situation at the accession of one dynasty after another, while few occasions arose for the exercise of the more fundamental right.

It would be of course impossible that the right of deposition should be formally embodied in the public law of any state not on the verge of dissolution. See the account

It is hardly necessary to say that these provisions were all drawn directly from the feudal law and were recognized incidents of that law wherever it existed, or that in this form they could not have been derived from any other system of public law existing at the time.<sup>1</sup> They are merely specific forms of the fundamental principle of feudalism that the relation of lord and vassal was the result of a voluntary agreement by which both were alike bound and which neither had a right to modify without the consent of the other. The whole body of the feudal law was a development of the idea of contract, and the great pre-occupation of those who framed it was to guard against any unwarranted infringement of the contract, direct or indirect, by either party to it. That much the greater portion of feudal law as written elsewhere consists of limitations upon the vas-

of this period in Plehn's *Matheus Parisiensis*—a very interesting discussion, but too theoretical and too strongly influenced by apparent analogies in the institutional history of Germany. The treatment of the question of election to the crown in Roessler's *Kaiserin Matilda* agrees better with the facts.

<sup>1</sup> On the feudal right of insurrection and on other rights which the charter emphasizes, especially on clause 39, see Dodu, *Histoire des Institutions Monarchiques dans le Royaume Latin de Jérusalem*, pp. 159–171. This book is an admirable introduction to the study of the Magna Carta. In some points of detail at least the feudal situation in England was more closely parallel to that in the Kingdom of Jerusalem than to that in France.

That the clauses embodying the first and third of these principles were dropped from the Magna Carta as reissued during the century is not a matter of importance. Practice constantly respected both. In taxation we have evidence that the barons watched carefully over their rights (see Shirley, *Letters of Henry III.*, I. 151; the action of the county court, which Stubbs supposes in this case, is not evident in the text; *Const. Hist.*, II. 224–226), and at the close of the century the principle in greatly expanded form—the whole idea of taxation having changed in the meantime—was virtually restored to the Magna Carta in the Confirmation of the Charters. A very interesting statement of the other principle is that which was extorted from Henry III. in the Confirmation of 1265: *liceat omnibus de regno nostro contra nos insurgere*. Stubbs, *Charters*, p. 416.

In regard to these omissions, which have occasioned much discussion and which cannot yet be fully explained, these points may be suggested. If clauses 12 and 14 of the original Magna Carta were strictly interpreted, they required the summoning of the common council of the kingdom and its action on the occasion of every extraordinary grant, instead of what seems to have been the more usual and certainly more convenient feudal method of consent by local groups or by individuals. If scutage was understood in its strict feudal sense and no account made of the irregular or changing meaning of the word, the provision in 12 and 14 must have seemed to many of exceedingly doubtful propriety. Probably clause 44 of the reissue of 1217 affirmed all that was intended by clause 12. If the king could be trusted to respect the law, clause 12 was unnecessary; the general principle of the law fully covered the case, as it did not the details of action in such cases as wardship and marriage, and clause 35 of 1217 may have been considered a sufficient pledge. A comparison of the four editions of the charter to 1225 shows that there was a constant study of its language and constant attempts to improve it in clearness and to avoid saying more or less than was meant. One is tempted to say that some of the changes must have arisen from attempts to enforce the provisions of the charter in the courts.



sal's right of action does not make the Magna Carta really exceptional or indicate that it is not to be classed among the statements of feudal law. The formal feudal law, like every system of law, occupied itself with the protection of those rights most exposed to attack. In England, as we have already said, the extraordinary power of the sovereign compelled a careful scrutiny of his rights, an explicitness in their definition, and an emphasis of the illegality of other action which was not common elsewhere. In the field which more nearly corresponds with private law we have the same conditions as on the Continent, and English land law is occupied mainly with limitations upon the vassal's action.

If we reduce these three principles to their simplest form of statement they mean that the king is bound to observe the law and that if he will not he may be compelled by force to do so. It will be again seen at once that this is the corner-stone of the English constitution. It is the underlying fact of its history—the protective and creative principle which made it possible. Henceforth—if the Magna Carta becomes permanent law—the king is subject to the public law of the state. Henceforth against an arbitrary king civil war and deposition are not revolutionary in English history. They are legal and constitutional expedients, as Parliament is reported to have said in effect to Richard II.

This gives us the place of the Magna Carta in the constitutional history of England. It is not a creative document. It contains nothing new except the provision, temporary in its very nature, creating a body of twenty-five barons to enforce its provisions. In its statement of specific law it looks backward and not forward. It belongs to an old system which had served its purpose and was doomed to destruction. But in this fact consists its inestimable service. It gave a permanent form to the fundamental principles of the feudal system at the moment when that system was giving way upon every side. For the barons could not save feudalism. The needs and interests of society which had once created that régime were now working with the kings against it. Evidence of this tendency is not wanting even in the Magna Carta, and before the close of the century in some important matters the barons themselves found, unconsciously but truly, their anti-feudal outweighing their feudal interests. The danger was that with the system itself these pregnant ideas would disappear also, as they did elsewhere. The Magna Carta by its formal statement made their preservation depend no longer upon the continued existence of the system from which they sprang, but upon the conditions of the future. What service was rendered by the Magna Carta in later stages of the

history of the constitution when a not unnatural idealization had given to some of its clauses a meaning which would have seemed strange to the men who wrote them, it is not the place here to enquire. At the moment when the foundation of the constitution was laid it was its great and sufficient service to lay that foundation, to carry over from the system which was disappearing into the new system which was taking form, and whose form was yet undetermined, the controlling principles which shaped and fixed the future. The importance of the Magna Carta in English constitutional history never has been and cannot be exaggerated, even if much that has been said of it in the past is unwarranted by the facts. Upon the principles which it enunciated rests the whole constitution. Without them, constantly cherished and courageously enforced, the constitution never could have been made; the inevitable tendency of declining feudalism towards a strong monarchy would have triumphed, and Parliament itself, which would have been formed in any case, would have been as helpless against powerful kings as the French estates general.

This is saying that the English constitution rests finally upon the feudal system. The formative principles of the constitution were derived directly from the feudal system. Without that system the constitution, as it existed in the fifteenth century or as it exists to-day, would not have been possible. The English limited monarchy of later times could never have been regarded as a direct outgrowth of the Saxon, non-feudal state, as it existed for instance under Canute, except by a preconceived and strained interpretation of the facts of history. The whole drift of that state was toward a monarchy of the Carolingian type in which the crude checks upon the sovereign's will or equally crude machinery for operating the nation's will, belonging to the primitive German public law, had either entirely disappeared or been dwarfed into insignificance.<sup>1</sup> The accomplishment of this result was made impossible in England by the Norman Conquest. It was the thorough feudalization of England which resulted from the Conquest that made the constitution possible, not by establishing a strong monarchy against which primitive Teutonic liberty reacted later, but by introducing with the strong monarchy a new

<sup>1</sup>To speak of these as checks upon the sovereign's will is to carry back our conceptions into the earlier time where they did not exist. They were not checks upon the sovereign's will as such in the Teutonic constitution. They were rather survivals of an earlier form of government disappearing before the new and rapidly increasing monarchical power. The Saxon monarchy advanced along this road so much more slowly than the Frankish not from any greater devotion of the race to liberty, nor because it possessed different or better institutions, but mainly because one set of influences, most decisive in hastening the results on the Continent, was lacking—the Roman survivals.

conception of the relation of the king to those of his subjects who in that age constituted the nation, and who alone could constitute it, by introducing the definite contract-idea of the feudal system.<sup>1</sup>

In the meantime the *Magna Carta* itself determined nothing. All depended upon the interpretation and application which should be given it in the future, and if the opportunity to put it into form depended upon the accident of a king's character so also did its position in the future. Had a king like Henry II. or Edward I. reigned in England during the fifty years which followed the death of John the *Magna Carta* might have made more difficult, but it would not have made impossible, the completion of the work which John had begun in the early years of his reign. Such a king might easily have thrown the *Magna Carta* into the background, have avoided any repetition or ratification of it, and have established a series of precedents of royal action without reference to the law which it would have been very difficult to overcome. The events of the months immediately following the granting of the charter make this certain, and while the attempt to enforce the principles of the *Magna Carta* by civil war and deposition before the death of John was of the greatest value as a precedent it was too inconclusive to determine the future. Of far greater value were the precedents established in the reign of Henry III., carrying the right of controlling the king by force far past the middle of this century of transition and making it a permanent element in the new conception of the state then forming in England. This result was rendered possible by the long reign of Henry III., as a king as bad as his father, weaker in character and less able, prodigally wasteful of money and constantly under the influence of foreign favorites.

The results of this reign in many directions it is impossible even to outline in this article. For the present purpose these suffice as resulting partly from the character of the king and partly from the position of the foreigners in England :

1. The formation of a distinct, continuous, and almost in our sense of the word an organized party of opposition which even the arbitrary methods of Simon de Montfort were not able to destroy. This was the instrument by which the work of the reign in continuing the tradition of the *Magna Carta* was accomplished and the results here indicated produced.

<sup>1</sup> That the feudal system would in the course of time have been introduced into England if the Norman conquest had never occurred is more than likely. But the slight tendencies toward feudalism already manifest in Saxon England had up to that time produced no result of importance, and the practices which may be termed, in a popular sense of the word, feudal, do not clearly exhibit the institutional characteristics of Continental feudalism.



2. The beginning of a new conception of the nation and the state—of the nation as something standing over against the king, to be distinguished from him in thought, having great interests of its own which might clash with those of the king—not exactly our idea of the organic nation but rather of the community of those classes which had a definite interest in the condition of public affairs—a primitive and undeveloped idea but richly fruitful even at that time. And of the government of the state no longer as of something belonging to the king personally, to be administered by his will and in his interests exclusively, but as something belonging as truly or even more truly to the nation, with which the king is vested but which he is bound to administer in the interests of all according to certain recognized principles, so that if he does not he may be temporarily at least divested of his right to rule and others may be appointed in his stead to correct the abuses which he has permitted to exist.

3. These ideas together, as acted upon and enforced by the opposition, gave birth to the idea of the limited monarchy, of the king limited in his action not merely by certain specific provisions of the law, but by the interests of the community; and law and interests alike guarded by the leaders of the community, soon to be able to act through definite and rapidly improving institutions.

The series of events during the reign in which these ideas were given expression is less important, institutionally considered, than as continuing the tradition of the Magna Carta and determining and enlarging its interpretation. The most important of them—the Provisions of Oxford—have no institutional significance. They are of interest as the beginning of a series of apparently unconnected but similar experiments, whose object seems to be to devise some kind of machinery by which the authority of a king who abuses his trust may be temporarily exercised by the leaders of the nation or by Parliament—a series which goes on into the fifteenth century almost to the point when, under the Lancastrian dynasty, faint beginnings show themselves of what was to be in the end the machinery for the permanent exercise of executive authority by the nation, the cabinet system.

Though these ideas of the relation of the king to the nation and to the government were still crude and but half-consciously held, they represent great progress since the accession of John. They were, it is true, logically involved in or easily derived from the feudal idea of the relation of the king to his vassals, but they were not likely to take shape under a king like Henry II]. The opportunity, first, to give these ideas in their primary and undeveloped

form an expression which tended to render them permanent, and then to carry them forward in expanding growth, was due to what must be called, so far as human insight can go, the accident of two successive reigns of bad and weak kings. From the end of the reign of Henry III. their growth depends much less upon accident; they are exposed only to the dangers incident to growth, though it is not until after another reign with its continued precedents and its complementary institutional growth that they may be called secure. From the beginning of the fourteenth century their development could have been prevented only by revolution, and this would have been possible only by the occurrence together, on the one side of a king able to foresee the future and strong enough to control the means of action, and on the other of circumstances paralyzing the action of the opposition, a conjunction not likely to occur and as a matter of fact never occurring.

By this date then the nation had begun to be conscious of itself and to realize its right to compel the king to regard its interests. But ideas of this sort are never of much value in history unless they are embodied in institutions through which they can act directly and permanently upon the course of events, and the attempt which was made at that time to give institutional expression to these ideas was wrong in principle and destined to no result. In another direction, however, unconnected for the present with these ideas and quite unconsciously, another institutional growth had begun which soon furnished the required machinery and, in its latest development, has so completely transferred the executive authority from the sovereign to the nation as to render any further conflict between them impossible. This beginning was made by a modification of the feudal *curia regis* which was apparently slight in character but which was revolutionary in its consequences.

It is a familiar fact that the Magna Carta shows that a division of the baronage had already been made into two classes, the major and the minor barons. Such a distinction as this was not peculiar to England, nor was this an early date for it. The especially important fact is that at the beginning of the thirteenth century this distinction of classes in the membership of the *curia regis* was consciously and sharply made, thus enabling a modification to be made of the basis of membership of the least important of these classes in the *curia regis* without seeming to change at all the character of that institution. Two generations also of experience of the jury system in public business in special relation to the minor barons had made familiar an easy method by which this change could be accomplished. Suggested beyond any doubt by the jury system,

formed by its methods and upon its model, and in order to accomplish the same result in a different kind of business,<sup>1</sup> the introduction of the new element into the *curia regis* seemed a most natural and easy step. Indeed it is using other ideas than those of the time to speak of a new element at all. At the moment when this step was taken, probably the most important ever taken in the strictly institutional history of England, no one appears to have been conscious of anything new. It was the beginning of a real change and might have been followed, even if innovation had gone no further, by the most important consequences; but considered by itself it involved no necessary departure either in principle or in law from the feudal system. It was simply a change of method. Not so the step which followed next although it is true of this also that it was taken apparently without any consciousness of change. This step was the introduction into the *curia regis* of certain non-feudal elements, the representatives of selected towns.

In considering the history of this step not too much emphasis should be laid upon the summons issued by Simon de Montfort in December 1264. It would be very difficult to show that this act was regarded by anyone later as a precedent to be followed or that it had any influence upon the final result. Borough representatives would have been summoned to the great council by the close of the century if Simon's writs had never been issued and for reasons very different from those which influenced his action. It was inevitable at a time when stricter feudal ideas were rapidly disappearing and in a régime which was one of classes only, that a class so distinct as the burgesses, having so many interests peculiar to themselves in the conduct of government, and having also such rapidly increasing power and such means of making their power promptly felt, should be allowed a voice in the management of public affairs. It should not be overlooked that the thing which was peculiar to England and decisive in its constitutional history was not the creation of Parliament nor the invention of the representative system, however important and interesting some peculiarities of detail may be in both particulars. The peculiar and determining fact was that Parliament at the moment when it came into existence as a distinct institution

<sup>1</sup> That is, to make known the local feeling. See especially the writ of 1254 (Stubbs, *Select Charters*, p. 376), which deserves most careful analysis. Just when the modern idea of organic representation arose or from what earlier idea it was derived, it is difficult to say. It could hardly have been found in the shire courts, but it apparently formed itself during the age of the formation of Parliament, though just what was meant by some of the phrases used may be open to question. The original idea seems to have been less that the community should assist through its representatives in forming the opinion and making up the decision of a deliberative body than that it should convey by delegates its own decision already made.



found ready to its hands, as the result of a line of development independent of its own, a traditional policy of opposition and of the control of the sovereign, based upon definite principles and rights. As the heir of the feudal *curia regis* it inherited a right of consent to extraordinary taxation, now greatly enlarged in importance and practically the sole dependence of the government. As embodying the party of opposition, from now on strongly reinforced by the leaders of the new third estate, it was the guardian of the old right of protecting the law against the king, enlarged by the experience of the century into the right of protecting the general interests of the nation. It was upon the basis of these rights, reaffirmed in their enlarged significance in action and in statement at the close of the century, that Parliament erected the constitution.

But if the burgesses were certain to be admitted into the older institution there was nothing in that fact or in any other circumstance of the time that determined the form and character which the new institution was to assume, and this was a question of vital importance for the future. Upon it depended the existence of the constitution quite as much as upon the survival and the broadened significance of the ideas of the Magna Carta. In this particular the decisive period, the danger period, was that which extended from 1254 to 1295. We have a right, I think, to make 1295 the date of the beginning of Parliament. To be sure there was nothing whatever about the parliament of 1295 considered by itself alone which indicated that it was to be any more truly the model parliament than any one of the different experimental forms of the preceding forty years. It possessed more of the features of the *curia regis* than of a later parliament;<sup>1</sup> the whole question of estates and of organization was still unsettled; the struggle for the supremacy of the new parliament over the survivals of the old *curia regis* had still to be fought out in the following century, but as a historical fact the parliament of 1295 was the model parliament. The age of experimenting was over. In all the creative fundamental principles, both of constitution and of powers, Parliament was in existence as a different thing institutionally from the old *curia regis*. The later development was a perfection of details, an application of established principles to a constantly enlarging range of cases, not a work of new creation.

<sup>1</sup> It is a very interesting fact in the institutional history of England that, after the permanent division into two houses in the next century, the upper house was consciously regarded as continuing the *curia regis* and the lower house as something foreign to it. This is to be seen in such facts as the freedom of the members of the upper house, but not of the lower, from trial by jury; in some of the features of the struggle between statutes and ordinances; in the continued judicial power of the upper house in which the lower had no share; and in the extraordinary form of the impeachment trial.

To understand how easily a different and far less efficient form might have been given during this period to the new institution, or indeed how little effort it would have required to have prevented altogether the formation of a really effective parliament, it is only necessary to study the forms which the institution assumed during this transitional period. Especially instructive are the occasions when we find the two forms which were later most successfully employed by the French kings in weakening the estates general—the division of the national parliament into provincial assemblies and its division into distinct assemblies of the different estates. These forms occur without especial comment or protest. The danger which lay in them was not evident. Their competence within their separate fields was not less than that of a full parliament of the next century, considering the difference of date. Nothing indicates that there would have been any difficulty in directing the future development of Parliament along the line of these precedents. Indeed the kings for some time continued to negotiate separately with some of the classes to avoid the difficulty of dealing with Parliament and were induced at last to give up the practice only by the most skilful management of the House of Commons in the fourteenth century. It is not necessary to say, however, that if these had been the controlling precedents no parliament would have been formed in the English sense and no constitution.

What saved Parliament and the constitution in this crisis was ignorance, was the lack of experience. Had it been as possible for Edward I. to foresee the future in this respect as it was for Charles V. and Charles VII. of France, and to understand the danger to the monarchy which lay in the growth of a strong parliament, he could, so far as we can now see, and he probably would, have prevented it. It was hardly possible to do this after the close of his reign; it was entirely impossible after the deposition of Edward II.

The date of the Confirmation of the Charters may be taken as the close of this period of English constitutional history. From a time when no beginning of a constitution is apparent, when every circumstance promised the speedy formation of an absolute rather than a limited monarchy, and when the slight tendency earlier manifest in English feudalism to check a development of royal power had been so long without influence as to seem about to disappear, from such a time England had advanced through the three great crises which have been described to what is clearly a constitutional beginning, with a more or less organized opposition, acting upon clear and definite principles capable of wide application, and through a primitive but even then most efficient institution capable also of

rapid and extensive growth. From this beginning Parliament made, as has been said, the enormous advance of the next century. This it did by the attachment of conditions to grants of money ; by cutting off all uncontrolled sources of revenue ; by insisting upon the equal right of the House of Commons in all legislation ; by extending parliamentary control from the income to the expenditure of the state ; by declaring the king's ministers responsible to itself as well as to the king ; by extending in the revolution of 1399 the right of deposition into a right of breaking the order of succession ; and, as a result of that revolution, by denying the responsibility of members to the king for their action in Parliament. A bare enumeration of these achievements shows how very far the transformation went in that century of the old feudal absolutism into what may rightly be called a constitutional monarchy, and how very complete must have been the preparation afforded by the work of the thirteenth century.

GEORGE BURTON ADAMS.



## CHATHAM'S COLONIAL POLICY

THE long and desperate struggle of England with France in the middle of the eighteenth century for the headship of the New World may be regarded as the war of one man against a nation. It was the war of Chatham against the old giant of ambition, the "glorious way of thinking" which the whole house of Bourbon had received as a family legacy from their common ancestor, the Great Monarch of France.

For England, before Chatham's colonial policy was framed, the colonial war was chiefly a mercantile question. That the French had passed the Rhine and threatened Hanover, was nothing to the nation of merchants whose interests were not directly affected. But the encroachments of the French on the hinterland of the American colonies, the depletion of the Newfoundland banks by the cod fishers of New France, and the competition of the French West Indian sugar plantations, kindled a flame which leapt across the continent and caught the islands of the Caribbean Sea. Therefore the voice of the "mercantile part of the nation" was still for war, and the victorious war minister became their idol: for a successful war meant the monopoly of a profitable trade, not only with the American plantations and the Atlantic Islands, but also with Indian nabobs, Arabian sultans and Ashantee kings. No man should rob them of their colonists. These were their very children whom they had bound apprentices to the colonial trade and who had thriven by their industry until they were in a position to start business on their own account for the clear benefit of British trade.

It has become of late the fashion to extenuate this quaint political morality, and to deprecate the "falsification of history" which estimates the political wisdom of the statesmen and parliaments of the reign of George the Third by the contrast of our modern enlightenment.

It is true that allowance must be made in all ages for the force of contemporary sentiment; but at the same time it may at least be of interest to ascertain the true meaning of the colonial policy of the one British minister who, before the loss of the American colonies, can be said to have had a colonial policy at all.

It is usual to insist that the later alienation of the American colonies from the mother kingdom was directly due to the taxation for which Chatham's successful war policy furnished a plausible excuse.

That Chatham himself did not approve of the financial policy of his successors, or at least of the constitutional doctrine by which it was held to be justified, is a matter of common knowledge. At the same time it may be that taxation was not the only cause of civil strife, and in any case Chatham's sentiments towards the colonies during his famous ministry have never been clearly explained. Still less has any serious attempt been made to conjecture the attitude which he must have adopted in view of the inevitable results of his own war policy.

The reason of this lack of knowledge is unfortunately only too clear. While the political memoirs and official despatches which commemorate the most notable events of the period have been freely used for the purpose of the historian's narrative, the official correspondence of the several departments of the state in which the details of the statesman's policy can alone be traced, and the great mass of family papers which contain many a clue for the elucidation of that policy, have never been examined for the present purpose.<sup>1</sup>

It may be possible then from these neglected materials to throw some further light on the interesting problem which has been referred to. But it will be necessary in the first place to define briefly the position of the colonial question at the date of Pitt's assumption of office from the respective points of view of the government and the governed with regard to the three main issues of the French war, extraordinary taxation and illicit trade. It will then, perhaps, be of interest to examine Pitt's policy herein as far as his ministry extends and to consider the logical consequences of that policy which was brought to such an untimely conclusion.

The opinion common amongst English historical students that the history of this period has been invariably treated by American writers in a partial and exaggerated spirit is curiously wide of the truth. The truth indeed is that the ablest, at least, of these writers have been careful to consult the original sources of history which had remained for a hundred years neglected in this country.<sup>2</sup> On the authority of these contemporary evidences they have compiled a real historical narrative of the causes and effects of this momentous struggle.<sup>3</sup> So far from exonerating the colonists from all responsibility for the grievous mistakes committed therein and for the heavy sacrifices which they entailed, we find these patriotic writers

<sup>1</sup> For the key to the classification of these sources, see *Quarterly Review*, October, 1899, Art. 3. For the value of the departmental records referred to, see the present writer's article on "Poor General Wolfe" in the *Gentleman's Magazine*, July, 1884.

<sup>2</sup> *I. e.*, England. The writer, Hubert Hall, Esq., F.S.A., Director of the Royal Historical Society, is an official of the Public Record Office in London.—ED.

<sup>3</sup> The historical sources referred to have been summarized by Parkman and by Winsor

admitting the justice of the strictures of colonial governors and commanders and the admissions of clear-sighted observers of the course of events. The colonist of those days, they tell us frankly, was "simply a 'provincial'—and a narrow one." They can quote sympathetically the outburst of a much-tried governor, "Such wrong-headed people, I thank God, I never had to do with before," and they virtually admit that there is some truth in the proposition that "a governor is really to be pitied in the discharge of his duty to his King and Country in having to do with such obstinate and self-conceited people." We read throughout of "clashing interests," of "internal disputes" in the face of an outward enemy and of the "misplaced economy of pennywise and short-sighted assembly-men" wherein "lay the hope of France."

For in the common view of English ministers and colonial governors, of British parliaments and colonial assemblies, France was the deadly enemy of the lives and liberties of the American provincials. And France was gathering her famous regiments upon their borders. Nay, but for the blockade of the French ports and the fatal drain of the campaign in Germany, France could have placed ten men in the field for every British regular or provincial. As it was the odds were exactly reversed in respect of numbers, but not, it was said, of fighting power; for "numbers avail nothing without counsel and valor."<sup>1</sup> This was not unnaturally the view of the professional soldiers who secretly despised the peaceful disposition of the colonists. The English settlers, they bitterly complained, were "of a commercial, the French of a military disposition: the latter enterprising, restless, subtle, active and ambitious; the first sedentary, softened, fond of quiet and lucre."<sup>2</sup>

It was a great mistake, these wise-acres assured the government, to suppose that the "American English are fitted for military purposes without the exercise of some painful campaign." Their only chance lay in the superiority of numbers, and this was deliberately sacrificed by the parsimony of the colonial governments. "We have it in our power," an official writer declared, "to be ten times as strong as the French and much better provided: but if ten men are in war with a thousand and the latter detach only an equal number to the engagement, what benefit do they receive for their superiority of numbers?"<sup>3</sup>

It is no wonder then that men saw the "English everywhere invaded, defenceless and impotent." An intelligent colonial writes in the year 1756 to an English correspondent in the same pessimistic strain:

<sup>1</sup> Pringle MSS.<sup>2</sup> *Ibid.*<sup>3</sup> *Ibid.*



"The people in England are not aware of the difficulties we meet with in carrying on the war here. Our enemies, rich and poor, are obliged to act against us. With us our Colonies from envy and particular interests draw against one another. In short, such is our situation, peace would seem necessary for the present in order to prepare ourselves for war."<sup>1</sup>

And yet, it would have been replied, that for several years past, and in a definite form since 1754, the English government through its colonial officers had incessantly urged upon the several assemblies the absolute necessity for such preparations. But this was all to no purpose. The assemblies "think they have served their country if they allow £10,000 or £15,000 for the current service of the year, and as few troops as possible," instead of raising a sufficient force, once for all, by means of a liberal grant. Thus in the disastrous campaign of 1756 it was estimated that the New England colonies, with a population of nearly half a million, could only provide General Johnson with 3,000 men for the attack on Crown Point; whilst Braddock, who should have been supported by the men of Pennsylvania, Maryland and the two Carolinas, colonies reputed to possess an equal population, had not in fact more than 800 provincials in his doomed army.<sup>2</sup>

It is true that exception might be taken to these semi-official statistics; but the point which we have to consider is this, that these versions of the campaign were communicated to ministers at home and received general credit in England. Moreover in substance they were correct. The real indifference of the colonial burgesses to the pressing requirements of the war can scarcely be denied and must be explained on wholly different grounds. On every side we read of bitter disputes between the colonial legislatures and the executive bodies. "The governor has embroil'd himself with the house of Representatives," writes quaint and honest Jeremiah Gridley from Boston in January of 1758, and has prorogued them "with a severe message, which they *had not time to answer*." And he adds that "the aspect of things is frowning."<sup>3</sup>

A month later the Earl of Loudoun unbosoms himself to the Duke of Newcastle in a dispatch such as Strafford might have endited to Laud. The colonists he considers are too many for their governors, at least in New England. A governor comes over sea bringing with him exalted notions of his dignity as the representative of the Crown. He tries to "ride the high horse," but pride comes before a fall. The assembly "waits for him" and trips him up, and from that day he is unable to carry a single point. There should be no mistake about it. The British regulars were an

<sup>2</sup> Pringle MSS.

<sup>1</sup> *Ibid.*

<sup>3</sup> *Ibid.*

alien garrison. The Bostonians were preparing to resist the quartering of troops, and all the other governments of North America were only waiting "to see the success Boston had in their dispute to have turned the troops out of doors everywhere."<sup>1</sup>

When things have come to this pass a colonial revolution is within measurable distance. But it might be asked who was really responsible for this state of things? Let us hear the other side.

The American colonists in the middle of the eighteenth century may have been "sedentary" and "softened," and were not improbably also "fond of quiet and lucre," but they shared these attributes with the Londoners whose ancestors had bearded and baffled tyrants from King Stephen's days onwards, and with the Dutch burghers who in a just cause had held the soldiery of Spain and France at bay behind their dykes.

The real answer to the sneers of their military critics is to be found not only in the complete failure of the latter to inspire confidence in their own plan of campaign, but also in the courage, the pertinacity and the final success of the citizen militia during their war of Independence.<sup>2</sup>

But as yet the position of the colonists was merely one of passive resistance to the futile proposals of an incompetent government. This attitude is well expressed in a memorial of the Assembly of Connecticut in the year 1758 setting forth all the sacrifices made by that colony, in common with the other New England colonies, since the beginning of the war.<sup>3</sup>

In the first place, when they were required to raise a thousand provincial troops for the expedition against Crown Point in 1755 they not only cheerfully complied, but, fearing this number would not suffice for such a service, they voluntarily added five hundred more as a reserve. They also enabled New York to furnish its quota by raising men in their colony in return for a very inadequate subsidy. Finally they not only produced the reserve above mentioned, but in the crisis of this disastrous campaign they voted an aid of fifteen hundred more. And so from year to year they have thrown precious lives (and more precious money) into the bottomless abyss of these frontier wars, and so they are ready to do again, "but, alas, it is to be feared to little purpose more than the loss of many lives and to the great expense of the government."

<sup>1</sup> *Ibid.*

<sup>2</sup> Some curious newsletters referring to Braddock's defeat have just been published by Mr. Darnell Davis, *Pennsylvania Magazine of History and Biography*, October, 1899. The allusions in these to the superiority of the colonial militia against an ambushed enemy are particularly interesting at the present moment.

<sup>3</sup> Pringle MSS. The same version is given in the Colonial Entry Books.



As to the responsibility of Newcastle, as the nominal head of a reactionary government, it is unnecessary to speak. The policy of a statesman who was Secretary of State for nearly thirty years without being aware that Cape Breton was an island may be left out of the question. The two ministers who were practically responsible for the disasters which brought Pitt into office were Halifax, as President of the Board of Trade and Plantations, and Sir Thomas Robinson as the departmental Secretary of State. If we add to these military and naval advisers as pedantic as Ligonier and Anson, commanders such as Braddock and Loudoun, governors of the type of Shirley, and the whole crew of brigadiers and post-captains, attorneys-general, vice-admirals and revenue officers, all prepared to take their cue from the sententious loyalty which pervaded the optimist despatches from Whitehall, we shall not be surprised if "the just grievances of his Majesty's loyal and faithful subjects" waited in vain for redress.

It is worthy of notice that Sir Thomas Robinson was the author of the precious policy which had brought about a crisis in America such as that which in England preceded the Petition of Right in the reign of Charles I. His scheme for a defensive union of at least the northern colonies in the year 1754, a "Plan or Project of general concert . . . for their mutual and common defence," though acceptable neither to loyalists nor to patriots, was certainly a plausible device; but it was also a plan which failed. And how could such a union be effective when its possible results were viewed with a jealous apprehension and when the whole conduct of the campaign and the patronage and credit of military service were assumed by the King's officers? The provincials were not required to save themselves so much as to save the regulars; food for powder like the helots whose bodies paved the way for the decisive charge of the janissaries. For with the Secretary of State's "Plan of Defense" were issued certain orders to colonial governors which may be regarded as the first cause of the estrangement which ripened into separation.

✓ "You should use your utmost diligence and authority in procuring an exact observance of such orders as shall be issued from time to time by the Commander-in-Chief for quartering the troops, impressing carriages and provisions and necessaries for such troops as shall arrive or be raised within your government—which orders have been continued down to this day. (1758.)"<sup>1</sup>

But it was not only that the colonists as a body distrusted the policy and the very capacity of their rulers at a great crisis of their

<sup>1</sup> Loudoun to Newcastle, February 19, 1758, in Pringle MSS. and Colonial Office Records.



fate, and that they resented the ostentatious employment of regular troops; they were practically left to pay the bill, or at least more than their fair share.

In the year 1756 we find the Board of Trade attempting to estimate the total cost of the three great expeditions of the previous year. Admitting to the fullest extent the principle that the cost of the war must be chiefly borne by the mother country, the Board wished to make the most liberal allowance within their power. This they naively admit is also a matter of policy, to "encourage and reward" the colonies for the efforts which they have made in the past and which they will more than ever be required to make in the future. In order to obtain information on this subject they had examined the colonial agents, but unfortunately the latter were unable to furnish precise figures, and therefore it was only possible to make a calculation based on the apparent and probable expenditures entailed by the votes of the assemblies.

The estimate made by the Board for the total expenditure incurred by the several colonies involved in the war amounted to the sum of £170,000, and of this sum they recommended that the British government should repay £120,000. It was added, as a sort of rider, that this estimate was probably too high for some colonies, though possibly somewhat too low for others, and that it did not include the cost of transport, commissariat and incidental expenses, which had not been ascertained.<sup>1</sup>

The recommendation of the Board was submitted to Parliament and the proposed grant was reduced to £115,000. It would be difficult now, though by no means so difficult at the time, to ascertain the approximate cost of the entire war to the colonies. The figures contained in a later estimate for Massachusetts alone are startling;<sup>2</sup> but if this should seem an exceptional case, it may be noted that the comparatively poor colony of Connecticut found itself after three unsuccessful campaigns in debt for the sum of £70,000 or £80,000 "above all that could possibly be received for the service of those years."

The estimate of the Board of Trade, although it was more liberal than any subsequent grant, might, therefore, reasonably have been doubled, without taking into account the compensation due to individuals for purveyance or transport, as to which it should be remembered that claims for similar compensation were preferred by England's German allies during the Continental campaign, and were reluctantly admitted by the British treasury.<sup>3</sup>

<sup>1</sup> Colonial Office Records, Board of Trade Journals.

<sup>2</sup> Pringle MSS.

<sup>3</sup> Treasury and Audit Office Records—"German Demands."

In justice to the colonies, however, it should be stated that this aspect of their financial difficulties was not presented by them as a grievance. The burden of taxation and debt incurred by them was meekly, if not very cheerfully endured, and even the moral liability of the mother country for this outlay was not directly asserted. Their case, indeed, resembled that of children who have been required to contribute out of their own pockets to some work of piety. They submitted yet they secretly repined. But when they found that something more than this was expected of them, that they were not only bound to pour out their blood and treasure in the quarrel of King George of England with King Louis of France, but also were required to desist absolutely from all commercial dealings with their best customers, their good friends the enemy, the sacrifice seemed too great even for their simple loyalty. How were they to carry on a war without the funds which the French themselves so thoughtfully supplied? Even the stern rule of Moses had not prevented the children of Israel from spoiling the Egyptians.

But the policy of the British government was inexorable. The French were to be starved out of America, and not only out of America but out of the West Indies. This, the second cause of the great rebellion, was the policy of Halifax at the Board of Trade. Only a week after the declaration of war with France the Board submitted to the Council additional instructions to be sent to all the American governors

"to take especial care and use their utmost endeavours to hinder all correspondence between your Majesty's subjects in America and the subjects of the French King, and to prevent any of the Colonies and Plantations belonging to the enemy in America being supplied with provisions or warlike stores of any kind."<sup>1</sup>

These practices, it is stated in the preamble, have hitherto "greatly prejudiced" the King's service and "endangered the dominions of the Crown," though the reality of the danger is by no means apparent. On the contrary it might be shown that the constant drain upon the French settlements caused by the habitual misgovernment and extortions of their officials made them unable to compete with their enterprising neighbors. The balance of trade was entirely against them. Possessed of the sea power, England could cut off all hope of succor from the French colonies without paralyzing the trade of her own plantations. But the real motive of this measure is to be found, not in the strategical exigencies of the colonial war, but in the desire to preserve inviolate the tradi-

<sup>1</sup> Colonial Office Records, Board of Trade, Plantations General, No. 44.

tional policy of English commerce which demanded that a large percentage of the profits on all the trade of the colonies should be paid as a premium to the mother country.

The history of the growth of this clandestine trade and of the means by which it was successfully prosecuted belongs to a chapter of colonial history which still remains to be written. When Pitt assumed office it had been recognized as a flourishing industry since the year 1746, and was chiefly carried on by collusion between the English, French, Spanish and Dutch settlers on the American continent and the adjacent islands. It was alleged that the Dutch colonies of Curaçao, St. Eustatia and Guiana and the Spanish free ports of Hispaniola served as *emporia* for the clandestine carrying trade of the American colonies and the West Indian islanders with the French settlements. Dutch ships clearing from Holland or Ireland and French ships from Brest or Dunkirk could discharge their cargoes at these convenient centres whence they were distributed by small colonial craft. The American traders it seems were also accustomed to clear out for some Dutch port, but their real destination was a French one where they discharged their cargo of colonial produce and laded again with sugar, rum, cotton or molasses for home under a fictitious clearing for another Dutch port; or if it was cleared for New York, the cargo was reputed to be the produce of an English sugar island and was passed as such by custom-house officials who were bribed to "do the needfull."

It was discovered that many colonial merchants had written contracts to supply the enemy with provisions and warlike stores. Others were supplied with Dutch or French passes to be used as occasion required. These French passports were made out in France and openly sold in Boston. They were addressed to all French commanders and governors and required them to pass the American vessels named therein engaged in supplying the French settlements. If they were boarded by a British cruiser these passes were destroyed, but the bulk of this illicit trade was carried on by small swift sloops or oared cutters which defied pursuit amongst the shoals and creeks of their native coasts.<sup>1</sup>

Naturally these ingenious devices for frustrating the monopoly of British trade appeared equally reprehensible to colonial governors and law officers and to the ministers and naval and military commanders of the English crown. "In short, Sir, what tricks do they not play?" is the summary of one worthy official's complaints. It

<sup>1</sup> The above allegations appear in the miscellaneous American papers among the Pringle MSS., *e. g.*, in Bundle 98. A good account is also found in B. T. Plant. Gen. 44, and in Admiralty Jamaica Despatches for 1758-1762.



was even thought that these free-traders "appear much more our enemies than the French themselves."<sup>1</sup> To Halifax and the Board of Trade "the nature of the Trade appeared so destructive, its extent so great and the facts relative to it so alarming" that the whole matter was forthwith referred to the Council.<sup>2</sup>

Across the course of these dissensions and disasters there came suddenly the calming and invigorating influence of a great statesman. And yet the violence of the evil was such that the effects of the most potent remedies are hardly discernible during two more years of bitter failure and despair.

Perhaps it is in his colonial policy that Chatham's acute and virile statesmanship shows to the best advantage. He was the first English minister who recognized the responsibilities of empire with its possibilities, the first high-almoner of state-craft who cast his bread upon distant waters.

Although he did not assume office until January 1757 there exist proofs that Pitt had followed the troubled history of the American colonies with close attention for some years past.<sup>3</sup> The principal phases of that history are illustrated by papers which are still preserved amongst the Chatham manuscripts. We know from a published correspondence that he "dreaded to hear from America" during the unchecked mismanagement of Newcastle's administration, and when a year later he proclaimed his ability "to save this country" singlehanded he had estimated the effect of a successful colonial war.

From existing reports, intelligences, and from the summaries of official correspondence, all of which are still preserved amongst the unpublished Chatham MSS., we are enabled to follow the course of Chatham's American policy. The development of his plans was slow at first, for it was not possible to undo in a year the effects of three years of disastrous mismanagement following upon a century of general misgovernment.

The colonies must be saved, and they must be saved by their own exertions. "You may depend upon it," writes Jeremiah Gridley, "that a great man said we are to depend for our defense upon our own forces and not upon the regulars."<sup>4</sup> From first to last this was the guiding principle of Pitt's military strategy and for the present the importance of the colonies was strategical. But in

<sup>1</sup> Pringle MSS.

<sup>2</sup> Colonial Office Records, Board of Trade Journals, March, 1760.

<sup>3</sup> The American papers in the Pringle collection appear to go back to the year 1746. Pitt was made paymaster of the forces in that year.

<sup>4</sup> *Grenville Correspondence*, June 5, 1756.

<sup>5</sup> Pringle MSS.

order that these measures of self-defense might prove effective it was necessary that the drooping spirits of the colonists should be raised, that they should be encouraged to play their part with vigor. To accomplish this, as Pitt saw clearly, the colonies must be first conciliated, and indeed conciliation was the keynote of his policy, the panacea which he continued to advocate in a later period of civil troubles.

It would not be an easy matter to define the quality of this conciliation. Perhaps indeed it amounted to little more than a discouragement of the official tone which had been adopted by recent ministries and their agents in dealing with the recalcitrant assemblies. Doubtless the chief factor in the work of conciliation was the selection of a commander-in-chief after the minister's own heart in the person of Amherst, who during the crisis of the war exercised practically the powers of a governor-general, whilst at the same time the powers of the reactionary Board of Plantations were sharply curtailed.<sup>1</sup> Finally Pitt refrained from pressing the enforcement of the recent official crusade against illicit trade except so far as it actually impeded his dispositions for the campaign. Thus one part of the monetary difficulty experienced by his predecessors was avoided, and for the rest the colonists were not slow to recognize that a really successful war was a highly profitable venture. The most dispirited assembly was at length "encouraged by having so grand a plan opened with such prospect of its being carried to effect."<sup>2</sup>

The plan in question was one which Pitt really deserves the credit of having adopted for he did not himself originate it. A campaign against the French settlements in the nature of a frontier war extending from Virginia to the lake regions was henceforth to be abandoned in favor of a descent upon Canada starting from a given base and carried out both by sea and land. Quebec itself was the real objective of such an expedition and Quebec cut off from succor from France by England's sea-power must sooner or later fall and with it the French dominion on the continent.

"When the spring is diverted or cutt off, the river must dry up. Such is the position of Quebec that it is absolutely the key of French America, and our possession of it would for ever lock out every Frenchman."<sup>3</sup>

It is interesting to notice that this earlier plan did not contemplate a direct assault on Louisburg, which, until its capitulation should be ensured by the fall of Quebec, was to be rendered harmless by a mere blockade. With this exception the whole course of the future campaign was foreshadowed in a plan which was appar-

<sup>1</sup> Order in Council, June, 1761.

<sup>2</sup> Pringle MSS.

<sup>3</sup> *Ibid.*

ently submitted to Pitt in the year 1756.<sup>1</sup> That this plan was not put in execution at once was entirely owing to circumstances beyond the minister's control. His instructions to Loudoun and Abercrombie display just as much energy and foresight as are evident in his direction of the successful campaigns between 1758 and 1761. The different results are due partly to the want of a free hand in the choice of instruments to carry out his plans, which as he afterwards complained were systematically thwarted by his colleagues in the Council, and partly to the lack of colonial interest in the war. The colonies had not yet been conciliated.

The turning-point in the fortunes of the war with France in America was reached in March, 1758, the date of Pitt's instructions to Amherst commanding the expedition against Louisburg for "the diligent prosecution of this great enterprize."

After the fall of Louisburg the issue of the war was never in doubt, but new difficulties arose as its area became enlarged and when its strictly colonial character dropped out of sight. The success of Pitt's colonial policy was written upon the walls of Quebec and Montreal before the impending danger of the Family Compact caused him to attempt its expansion upon imperial lines. As a counter-blow to the threatened Bourbon alliance France must be attacked in Louisiana and Martinique. She must be driven out of America and the West Indies, just as she must be humbled by descents upon her sea-board. Thus she would be reduced to conclude a peace before she could gain time to recover her ground by a new alliance with a maritime and colonial power. It was with this great object in view that, in the spring of 1761, Pitt issued a circular to the governors of the American colonies directing them to appeal to the assemblies for a grant of fresh levies for colonial defences to enable the government "not only to secure the Conquests already made, but also to push on the war with the utmost vigour until the French are totally removed from this continent."<sup>2</sup>

In the dangerous state of the colonial temper Pitt had worked wonders by his crusade of three years past. Even now his influence, exercised through his chosen agent Amherst, prevailed over personal interests and local selfishness. At the first asking the canny New Englanders demurred to this unusual proposal. Their forefathers had not haggled in vain over subsidies, nor protested in vain against forced loans, shipmoney, billeting and martial law under impecunious

<sup>1</sup> Pringle MSS.

<sup>2</sup> This and the following references to the colonial correspondence of the period have been chiefly taken from the series of "Governor's Letters" (America and West Indies) in the Colonial Office Records.



personal monarchs. They wished for further information as to the objective of these armaments. Moreover, as of old redress of grievances must precede supply. The Pennsylvanians who had a bitter feud with their "Proprietors" refused point-blank to pass any appropriation until certain acts of the assembly had been allowed. Other colonies voted less than two-thirds of the levies granted for the campaign of Quebec, and then with strict limitations as to length of service. Billet-money and conduct-money had been docked by the red-tape of the British Treasury for arms not returned into store, and this system must be disavowed. Even then these provincial levies must be employed for local defences only. Where there was no danger of French invasion they must be used as frontier police against the Cherokees or other savage neighbors. A winter campaign was out of the question and the troops must be disbanded in November or earlier if peace should not be concluded before that date. The governors were in despair. One "had no hope of obtaining more." Another's fears "this is all he can bring them to." A third objects that "in the present state of the Province . . . he should meet with unsurmountable difficulties." But the Secretary of State was unmoved. He betrayed neither surprise nor indignation at this answer to his appeal. These sturdy colonists were his spoilt children, and he knew how to bear with their wayward moods. The governors were told to "try them again;" to beg one that was so noted for its public spirit not to "furnish a precedent for the others to refuse;" to "give satisfaction to the Assemblies;" whereupon Mr. Secretary "hopes soon to be informed" of their resolves "to be entirely conformable to His Majesty's expectation." The result was so far satisfactory that men and money were voted for the purpose in hand. Even Amherst's expectations were at length satisfied, and the veterans of Canada could be led against Dominique, Guadeloupe and Belleisle.

It has been said that Pitt before he resigned the seals in October of this year had planned the capture both of Havana and Manila. But even if this persistent assertion were true, which it can be shown from contemporary state papers was not the case, Pitt was no longer at hand to superintend his own strategy. The whole plan of the campaign of the year 1762 depended upon the co-operation of the American colonies, and this could not be forced either by promises or by threats. It was useless for the new Secretary to require the despondent governors to represent to the assemblies "the necessity of their complying with the king's demands," which were even higher than before. It was childish to assure them that they "would rejoice hereafter when they found that their compliance

with the king's commands met with his Majesty's approbation." It was dangerous to threaten that their refusal would "exclude them from any title to His Majesty's particular favour."

The result was disastrous in the extreme. Some assemblies "broke up without having in any respect whatever complied with His Majesty's requisitions." Others treated the royal message in a "disrespectful manner." Inadequate votes were passed and still worse amidst a total absence of enthusiasm for the war. And so though Martinique fell and then Havana, these and other conquests could not be held with the force available. When Amherst had been pressed for reinforcements he had replied that he dared not part with another man if America itself was to be safely held.

This may well be the secret of those concessions which made the Treaty of Paris seem so disadvantageous to this country. If the whole of these vast conquests were to be retained, there must either have been a great increase in the regular establishment or sweeping concessions to the colonies in the direction of self-government and commercial privileges. As it was, George the Third and Lord Bute had no intention of spending money upon military establishments or subventions, neither were they willing to forego the revenues which the Crown received directly or indirectly from the colonies. The only course open was to abandon the bulk of the conquests of 1761 and 1762.

But unhappily the matter did not end here. The colonies were indirectly responsible for the odium which attached to the authors of the treaty, and they must be brought to book once for all. Then the spiteful and futile attempts to impose what was practically a war fine upon those high-spirited and semi-independent communities completed the ruin of the great schemes which Pitt had conceived for restoring the balance of the European power in a new world.

That Pitt himself would have carried out these schemes on a still larger scale and with an even more successful result we can scarcely doubt. We cannot doubt at all that he would have refused to cede an inch of territory within the sphere of Anglo-Saxon influence in the Atlantic. That he would have triumphed over all difficulties with the colonies we may well believe, though this might have involved a scheme of imperial federation, a scheme which might have altered the whole course of our history, which might in fact have detached England from Continental politics, which might have led to the consolidation of an unbroken sphere of Anglo-Saxon influence in the North Atlantic and Pacific oceans.

It may fairly be asked how far we are in a position to venture upon this forecast of Pitt's colonial policy, which must necessarily

have undergone some important modifications at the conclusion of an European peace. To this we may reply that the statesman's later speeches in defence of the constitutional liberties of the colonies prove that he regarded them as something more than the weapons of his vengeance against a perfidious enemy.

There is evidence once more amongst the Chatham papers that long before the conclusion of the great war the problem of the future government of the colonies had engaged his attention. The danger had been clearly foreseen by more than one of his advisers of "the projects of independency which a consciousness of growing strength and the annihilation of the French power might give birth to in our American Colonies." To this it was replied that "an upright and steady government will always have due weight with the bulk of the people," whilst it might be possible to retain their goodwill by important constitutional changes. Canada might be erected into a kingdom for Prince Edward, and if necessary another sovereignty might be created in the colonies themselves. Such a confederation of crowns would be more effective, because more natural, than the family compact of the Bourbons, since here would be found "the union of two peoples of the same blood, religion, polity, language, laws, honour and genius under the same family."<sup>1</sup>

It would be but a vain speculation to suggest that any such scheme as this would have seriously engaged Pitt's attention if he had remained in power for some ten years longer. But even after an absence of five years from the helm of the state, and in spite of the conclusion of a peace which had thwarted his deep-laid plans, these dreams of colonial federation might still have been realized under a ministry in which Chatham kept the direction of American affairs in his own hands. It would seem indeed that such a plan was in his thoughts during the ministerial crisis of the spring of 1766, for there exists amongst his papers a draft in his own hand of an ideal ministry in which as a new Secretary of State for the "American Department" there appears the name of "Mr. Pitt." In such a congenial position we cannot doubt that he would have devoted himself to devise some remedial measures which might have removed the worst features of colonial misgovernment.

The standing army necessary for the protection of the colonies would have been under the strictest discipline and control and the regiments would have been changed every two or three years. The inquisitorial aspect of the Navigation Laws in connection with illicit trade would have been no longer apparent with the destruction of

<sup>1</sup> Pringle MSS. This remarkable paper is undated, but appears to have been received by Pitt in 1756.



the French power in the New World. Finally the colonial assemblies would have enjoyed the fullest rights of legislation and taxation for all purposes of local government. Even when the colonies had been goaded to armed resistance by ten years of perverse misgovernment, Chatham's just and humane scheme of constitutional reform might have saved the situation and might have paved the way for an inevitable and honorable concession of independence which would have left no lasting traces of bitterness or resentment.

The scheme in question may be regarded as the epitome of Chatham's strenuous advocacy of the cause of colonial liberty from 1765 to the day on which he yielded up his breath with the name of his well-loved children upon his lips. It is embodied in the "Provisional Act for Settling the Troubles in America," introduced by Chatham in the House of Lords on February 1, 1775. The provisions of this famous measure need not be recited here. The clearest description of the scope and intention of this "true reconciliation" between England and her colonies may be found in the sneering summary by one of its opponents, "it fell in with the ideas of America in almost every particular." It contained indeed the fullest expression of Pitt's earliest conception, "you must repeal her fears and her resentments, and you may then hope for her love and gratitude."

How near this measure lay to the great statesman's heart may be judged from an examination of the passage which is shown in the plate, a facsimile of a page of the original draft in Chatham's own hand, from which the painful care bestowed upon the drafting of this bill is apparent. The wording of the passage as drafted is as follows and differs, as will be seen, from the final version:

"Always understood that the free grant of a supply<sup>1</sup> from the Colonies is not considered as a Condition of Redress, but as a Testimony of their Affection."

In this one sentence is revealed the spirit of Chatham's colonial policy, and the same sentiment of justice and moderation pervades the whole of a measure which its author prophesied would "make its way to the public, to the nation, to the remotest wilds of America," and would remain a monument of his endeavors to save his country.

The bill rejected by the House of Lords in 1775 is indeed a monument of this kind, but it did not mark the close of Chatham's efforts on behalf of "our brethren and countrymen in America, of the same language, laws, liberties and religion; endeared to us by every tie that should sanctify humanity." These words were spoken in 1777 and during the session of this year his voice was several

<sup>1</sup> "Contribution" and "aid" successively rejected.

and for the free grant of  
the aid ~~before~~ by aid  
and ~~be always~~ <sup>be expected</sup> ~~under~~  
and ~~that it is expected not~~  
as a condition of Redress but  
as a fruit of Affection

The free grant of the aid  
~~before~~ <sup>being</sup> understood,  
before required, being understood,

always understood, that the  
free grant of aid <sup>from the Colonies</sup>  
is not to be ~~expected~~ <sup>not expected</sup>  
as a condition  
of Redress, but as a fruit of  
their Affection.





times raised in passionate protest against a policy of force. "We have invaded them as much as the Spanish Armada invaded England."

On May 30 of this year before a crowded House, its approaches blocked by peers and commoners, officials and spectators roused from the apathy of sullen despair by the magic of his name, Chatham pleaded once more the cause of the nation whom he loved.

"I remember," there rang out in one of his happiest sentences, "when they raised four regiments on their own bottom and took Louisburg from the veteran troops of France." He was thinking of the days when as Paymaster of the Forces he first took an interest in colonial politics. Then follows quickly the closing scene in which, protesting in the interests (as these might well have been) of England and her colonies alike against the dismemberment of a great empire, he adjured the country to choose between their enemies and friends and not to "fall prostrate before the House of Bourbon"—the statesman's ruling instinct strongest in his death.

And so the world has passed. The country of Chatham's birth has long ago forgotten the place-names given in his honor, but the great nation which he called into being has not forgotten that Fort Pitt was planted on the ruins of Fort Duquesne. There are some memories which will always be hallowed in connection with the meanest and saddest episodes in a nation's history, and amongst these the memory of Chatham's brave and honest friendship with the Americans of his day will not be easily forgotten by their grandchildren's children.

HUBERT HALL.

## TERRITORY AND DISTRICT

It is well known that from the time when the United States asserted independence of England and established an organized government we have had what other nations would have called a colonial system and a definite colonial policy ; but with the memory of the many humiliations we had suffered from the hands of the English so fresh in our minds, the term "colony" seemed to carry with it something of reproach and inferiority, and consequently it was an appellation most carefully to be avoided. The name which was adopted in place of colony and the policy that was established for the dependency thereby designated are closely bound up with the first organization of our government. In order to facilitate the ratification of the Articles of Confederation certain states ceded to Congress their claims to the lands lying north and west of the Ohio river, and the United States thus came into possession of a property in which colonists from the eastern states were already beginning to settle. Jefferson's Ordinance of 1784 divided this western country directly into states, but the Ordinance of 1787 established an intermediate stage of government and provided for the division and the erection into states at some later time. With the re-enactment of the latter ordinance in 1789 by the First Congress under the new constitution and the establishment, less than ten months later, of this same form of government in the North Carolina cession, the policy of the Ordinance of 1787 may be said to have been adopted, and ever since that time, as that ordinance had been enacted for "the territory of the United States northwest of the river Ohio," the name of "territory" has been applied to this intermediate stage of government.

The fundamental principle of the territorial system of the United States has been that these colonies or territories were to be under the direct supervision and control of Congress, but that they were to be treated as states in embryo. That is, they were to be granted an increasing measure of self-government ; they were to be encouraged in their development until they had grown so great that they might claim the right of advancement to the full rank of statehood ; and this right was to be accorded to them, and they were to be admitted into the Union on an equal footing with the original states

as soon as might be consistent with the interests of the country as a whole. In accordance with this principle twenty-eight territories have been organized, all but three of which have become states and members of the Union.<sup>1</sup> Until the recent and unexpected acquisition of territory, as a result of our war with Spain, somewhat changed the conditions, only two deviations from this policy are to be met with in the entire course of a history that is the record of an unparalleled growth and expansion. The first of these deviations occurred in 1804, at the time of the establishment of a government in the newly-acquired province of Louisiana, and was only a momentary lapse from our established policy, and the second has been in the case of Alaska.<sup>2</sup>

When Jefferson in 1803 purchased the vast tract of country to the west of the Mississippi there were many persons in the United States, and the President himself was among the number, who felt that this action was contrary to the established principles of the Constitution and that an amendment to that instrument would be necessary to validate the acquisition. But the purchase of Louisiana was so evidently beneficial to the interests of the United States and was so generally acquiesced in by the people, that the proposal to amend the Constitution was soon dropped and never seriously brought up again.<sup>3</sup> Owing, however, to the location of Louisiana, lying outside of the original limits and beyond what had come to be regarded as the natural boundary of the United States, and on account of the character of the inhabitants and the fact that their previous training had little fitted them for the responsibilities of self-government, Congress was not quite ready to extend the principles of our territorial system to the whole of this vast country, and when it came to the establishment there of some form of government Congress made a distinction. The southern part was organized as the Territory of Orleans with a government not, it is true, of the same representative type as that of the second stage

<sup>1</sup> New Mexico, Arizona and Oklahoma, all of which seem likely to be allowed to organize as states in the near future.

<sup>2</sup> The District of Columbia is not here included because it so evidently forms no part of our territorial system. That it should be called a district and not a territory has no reference whatever to its lack of representative institutions, or to the fact that it can never become a state. It was originally referred to, apparently on account of its size, as a "district of territory," and the name of District of Columbia was applied to it long before any sort of government was established for it by Congress, and, indeed, years before the seat of government was moved from Philadelphia to Washington; and when, in the years 1871 to 1874, the experiment was tried of granting it a regular territorial government, the name of District of Columbia was still retained.

<sup>3</sup> It is remarkable how little originality is shown by the present opponents of expansion. All of their arguments were presented at the time of the Louisiana purchase, and were answered then as now by the inexorable logic of facts.



under the Ordinance of 1787, but still with a regularly organized territorial government, while in all of the northern part no regular government was established, but the officials of the Territory of Indiana were given authority over it; and this northern part was not called a territory but the District of Louisiana.<sup>1</sup>

That this distinction in name was as intentional as the difference in government is shown (1) by the remonstrance of the inhabitants of the District of Louisiana against the sort of government that had been provided for them and their petition for officers and a government of their own in accordance with the principles of the Ordinance of 1787,<sup>2</sup> (2) by the report of the committee of the House of Representatives appointed to consider the question,<sup>3</sup> and (3) by the fact that when Congress in 1805 acceded to this request and gave to the District a government of its own, its name was changed to that of the Territory of Louisiana.<sup>4</sup> As has been said, this was only a momentary lapse from the accepted policy of the United States, for the District of Louisiana was changed to a territory within a year from the time of its first establishment, but the mere fact of its existence for however short a time is of considerable significance.

From this time until after the close of the Civil War the territorial acquisitions were so evidently a fulfilment of our "manifest destiny," and in most cases were so closely bound up with the slavery question, that the organization of these acquisitions into territories followed almost immediately and as a matter of course. But with the purchase of Alaska in 1867 the territorial system of the United States entered upon a new phase. The remote situation of Alaska, its inhospitable climate, the difficulty of developing such resources as it might prove to have, and especially the fact that its scanty population was so largely composed of uncivilized Indians, all tended to render it extremely improbable that this region would ever sufficiently develop to be organized as a state and to be admitted into the Union. And this fact was recognized in the treaty by which we acquired possession of Alaska. In the treaties with France, Spain and Mexico, by which our other territorial acquisitions had been made, it was specifically provided that the inhabitants of the ceded territories should be incorporated into the Union. But in the treaty with Russia for the cession of Alaska it was only stipulated that the civilized inhabitants should have the rights and privileges of the

<sup>1</sup> For the details of this and other legislation already referred to, see Farrand, *Legislation of Congress for the Government of the Organized Territories of the United States, 1789-1895*, Newark, N. J., 1896.

<sup>2</sup> *Annals of Congress*, 8th Cong., second sess., pp. 1608-1619.

<sup>3</sup> *Ibid.*, pp. 1014-1017.

<sup>4</sup> Act of March 3, 1805.

citizens of the United States, while the uncivilized tribes were to be completely under the regulation of Congress.<sup>1</sup>

For seventeen years from the time of its cession the inhabitants of Alaska were allowed to shift for themselves and only in 1884, when the establishment of some form of civil government became imperative, was an act for this purpose passed. It was not a regularly organized territory but a "civil district" that was thereby constituted. There was to "be appointed for the said district a governor," who was to have the usual powers and to "perform such acts as pertain to the office of governor of a territory," and it was specified that there should "be no legislative assembly in said district, nor shall any Delegate be sent to Congress therefrom," but certain laws of the United States and "the general laws of the State of Oregon, . . . so far as the same may be applicable," were declared to be the law in said district.<sup>2</sup> In order to place beyond any question just what was intended by this act, we shall let the framers of the bill speak for themselves. Benjamin Harrison was then chairman of the Committee on Territories. In explanation of the bill when it was before the Senate, he said, "We are attempting here some legislation that is *sui generis* in some respects. . . . It was not believed that we should confer upon the few people residing there a full territorial organization. We have described this Territory as a civil district, and have organized for it a government simple in form . . . and yet one that we believe will be efficient to bring to every resident of the Territory . . . the reasonable protection of life, liberty, and the pursuit of happiness."<sup>3</sup> And Mr. Garland of Arkansas, also a member of the Committee on Territories, further stated, "The bill does not undertake to provide what we call technically a Territorial government for Alaska, but . . . we deemed that Congress had the power to provide just such a government as it saw proper there, anything short, if you please, of a regular Territorial government, as we understand it technically."<sup>4</sup>

Thus Alaska was constituted and still remains a "district." In a general sense it may be regarded as one of the territories of the United States. But when terms are strictly used Alaska is to be designated as a district rather than a territory, meaning by that a part of the public domain (or property of the United States)

<sup>1</sup> The writer is under great obligations to Mr. Walter MacNaughten of Wesleyan University for his assistance in the preparation of this article, especially in the examination of the records of Congress relating to Alaska.

<sup>2</sup> *Statutes of the United States*, 48th Cong., first sess., Chap. 53.

<sup>3</sup> *Cong. Rec.*, 48th Cong., first sess., p. 594.

<sup>4</sup> *Ibid.*, p. 631.

to which representative institutions are not accorded and which there is no intention of incorporating as a state into the Union, or at least no immediate probability that it will be so incorporated.<sup>1</sup>

As a result of our recent war with Spain the United States has come into the possession of large tracts of land lying outside of the American continent. Some of the strongest objections to the acquisition of these islands are due to the fact that they are frequently referred to as "colonies" of the United States, and it is felt that we have the right neither to hold nor to acquire colonies.<sup>2</sup> The matter is little bettered by designating these possessions as territories, for this has been generally understood to mean that they were to be organized as regular territories having governments such as are established in New Mexico, Arizona and Oklahoma, with the implied obligation of eventually admitting them into the Union, whereas it is decidedly questionable whether the inhabitants are fitted to exercise the rights of self-government, and there is no doubt that we are not ready to take the position that these new possessions are ever to become states and members of the Union.

It is not within the province of this paper to discuss the constitutional right of the United States to acquire these islands; their acquisition is an accomplished fact in which the people generally have acquiesced just as they did in the purchase of Louisiana. Nor is it the intention of the writer to discuss what rights and privileges must be or ought to be granted to the inhabitants of the islands. It is desired simply to point out that, in the history of the United States, territory has been acquired, concerning which there was considerable doubt as to whether it could ever be raised to the dignity of statehood and incorporated into the Union, and concerning which there was no doubt that the inhabitants were not fitted to exercise the rights of self-government; that in those cases Congress

<sup>1</sup>The Federal Supreme Court, in the case of the *Steamer Coquillam vs. the United States* (163 U. S., 346), has declared that "Alaska is one of the Territories of the United States," but this assertion was made solely with reference to the similarity of the judicial courts of Alaska to other territorial courts and in no way invalidates the distinction that is here made between a district and a territory. Appropriation acts and other statutes of Congress refer loosely now and again to the Territory of Alaska, but when terms are carefully used the above distinction is made. Thus the governor is almost invariably referred to as the governor of the District of Alaska, the statistics of the Eleventh Census were ordered to be taken for the District of Alaska, and in the act of March 3, 1899, establishing a criminal code for Alaska, although in the debates in Congress on this measure the Territory of Alaska was generally spoken of, it was for the District of Alaska that the code was enacted.

<sup>2</sup>To the best of the writer's knowledge, this is the first time in our history that territorial possessions of the United States have been referred to as colonies, a term that was most carefully avoided by our fathers in all of our earlier history and one that still calls forth the strongest opposition.



has established the precedent of granting a form of civil government without representative institutions ; and that until the inhabitants were capable of governing themselves and had been accorded this privilege, with its implication of later admission into the Union, their body politic was to be designated a district rather than a territory.

It is not easy to draw a hard and fast line between a territory and a district, for there will be many instances in which the form of government of the one will shade off into that of the other ; special considerations, particularly with reference to our new possessions, will have to be taken into account. The question into which class each shall fall must be decided in the particular case ; but the general principles of the distinction are not hard to make. Both the territory and the district may be said to be included in our territorial system, but until any particular part is capable of self-government and has been granted representative institutions in accordance with such self-government, and until it is our recognized intention that such part shall eventually be organized as a state and admitted into the Union, let that part be known as a district and not as a territory. Thus, under what seems to be the present attitude towards our new possessions, let us speak of the Territory of Hawaii, but of the District of Porto Rico and the District of Luzon or the Philippines.<sup>1</sup>

MAX FARRAND.

<sup>1</sup> The government that has been established for "the island" of Porto Rico is in a large measure representative, but it is significant that a proposal in the Senate to amend the bill so that it should read for "the territory of Porto Rico," was opposed by Mr. Foraker, the chairman of the Committee on the Pacific Islands and Puerto Rico, and was finally rejected by the Senate (*Cong. Rec.*, 56th Cong. first sess., pp. 3749 and 3800).

## THE JUDICIARY ACT OF 1801

IN the second session of the Sixth Congress, during the closing months of John Adams's administration, an act was passed, known as the Circuit Court Act or the Judiciary Act of 1801, which considerably increased the Federal judicial establishment of the United States.<sup>1</sup> President Adams and the Federalist party have been very generally condemned for passing this measure, on the ground that such an enlargement of the judiciary was entirely unwarranted by the actual needs of the country and was only effected for the purpose of keeping the Federalists in control of the judiciary for a long time to come, and Adams was most severely censured for his appointments to office under the act, partly because of the character of the appointments, and partly because some of them were rushed through in the last moments of his term of office, and hence were commonly stigmatized as "midnight appointments." Without taking either one side or the other of the question as to whether this judicial reorganization was a necessary or even desirable reform, or as to whether Adams is to be so severely criticized for the appointments which he made, inasmuch as many of the assertions that are commonly put forward in reference to these points are either absolutely incorrect or are so loose and general as to be very misleading, it may be serviceable to give a correct statement of some of the facts in the case, which will be of assistance in reaching a final and just conclusion on the whole matter.

In the first place, the judiciary act of 1801 was not adopted solely because the recent presidential election had gone against the Federalists. The greatest change that was made in the judicial system by this act was a reorganization of the circuit courts, and this was a reform that had been agitated from the very establishment of these courts. The original act of 1789 had ordered that the circuit courts should be held by two justices of the Supreme Court of the United States.<sup>2</sup> Almost immediately the members of that court had protested,<sup>3</sup> and as early as 1790 the Attorney-General (Edmund Randolph) had reported against this practice.<sup>4</sup> In 1793

<sup>1</sup> Act of February 13, 1801.

<sup>2</sup> Act of September 24, 1789.

<sup>3</sup> *American State Papers, Miscellaneous*, I. 52.

<sup>4</sup> *Ibid.*, p. 23.

it was provided that one justice of the Supreme Court should be sufficient for the holding of circuit courts;<sup>1</sup> but even this relief was not adequate and complaints were still made from various quarters. Some sort of revision of the system was recommended from time to time, and in his speech at the opening of the first session of the Sixth Congress in 1799, the President insisted upon such "a revision and amendment" as "indispensably necessary."<sup>2</sup> In accordance with that recommendation a committee of the House was appointed and reported a bill which was finally postponed, but became the foundation of the act that was adopted in 1801.<sup>3</sup> It should be stated, however, that this original bill was evidently to a great extent a party measure, for one of the members of the House of Representatives naively remarked, in opposition to a motion to postpone its further consideration, that "the close of the present Executive's authority was at hand, and, from his experience, he was more capable to choose suitable persons to fill the offices than another."<sup>4</sup> Yet the mere fact that the necessity of some such measure had been insisted upon and that at least one bill, strikingly similar in its provisions, had been introduced in the House of Representatives is proof positive that the change and enlargement of the judicial system as established by the Act of 1801 were not to be attributed solely to the recent Federalist defeat.

In the second place, there were not as many judgeships created by this act as is always asserted. Previous to 1801 there had been seventeen districts, in each of which was a court presided over by a district judge.<sup>5</sup> The judiciary act of 1801 established twenty-two such districts, adding five new ones to those already in existence. But this did not mean, as has been taken for granted by practically every writer on this subject, that positions were thereby created for five new judges. Of the five additional courts four were created simply by the division of old districts, that is to say, the states of New York, Pennsylvania, Virginia and Tennessee, each of which had formerly constituted a single district, were now divided into two districts, and no provision whatever was made for the appointment of new judges. It may safely be assumed, therefore, that the district judge in each of these states was to hold court in both districts, and if any doubt exists as to the correctness of this assumption, it must be removed at once by the fact that neither

<sup>1</sup> Act of March 2, 1793.

<sup>2</sup> *Annals of Congress*, 6th Congress, 188, 189.

<sup>3</sup> *Ibid.*, 7th Congress, first session, 672.

<sup>4</sup> *Ibid.*, 6th Congress, 648.

<sup>5</sup> Acts of September 24, 1789, June 4, 1790, June 23, 1790, March 2, 1791, and January 31, 1797.



Adams nor Jefferson ever appointed any judges for these new districts that were thus established. The fifth of the new districts was made up of the territories of Ohio and Indiana, where territorial courts with extensive jurisdiction were already established,<sup>1</sup> and again no provision was made for a district judgeship, nor was any such judge ever appointed. It is evident, then, that this new arrangement of districts was merely one of convenience and did not involve any increase in the number of judges.

As already stated, the principal feature of the act of 1801 was the reorganization of the circuit courts. Until the passage of this act, fourteen of the seventeen districts—the districts of Maine, Kentucky and Tennessee not being included—had been grouped into three circuits, Eastern, Middle and Southern, in which circuit courts were held, originally by two justices of the Supreme Court, but after 1793 by one such justice, and the district judge of the district in which the court sat.<sup>2</sup> By the act of 1801 all of the twenty-two districts were "classed into six circuits," and instead of the Supreme Court justices being detailed to hold circuit courts, distinct judges, known as circuit judges, were to be appointed for this purpose. Three such judges were assigned to each of the first five circuits. To the sixth circuit, which comprised the states of Kentucky and Tennessee and the territories of Ohio and Indiana, only one circuit judge was assigned, who was to hold court with the district judges of the two states included. It was provided that whenever the office of district judge should become vacant in Kentucky and Tennessee, the vacancy should be supplied by the appointment of a circuit judge, but this did not involve the immediate filling of any new positions, for district courts had been established, and district judges had been appointed thereto, at the time of the admission of these states into the Union.

The new judicial appointments, therefore, that were placed in Adams's hands by the act of 1801 were to these circuit judgeships alone, sixteen in all,—no small number, to be sure, but considerably less than is usually asserted.<sup>3</sup> It is true, that in each of the five new districts an attorney and a marshal of the United States were

<sup>1</sup> By act of March 3, 1805, the territorial superior courts were given the jurisdiction of the federal circuit and district courts, with appeals to the Supreme Court of the United States.

<sup>2</sup> Same acts as in note 5, on p. 683.

<sup>3</sup> The correctness of this statement is rendered absolutely certain by a comparison of the amounts apportioned to the judiciary in the appropriation acts of 1800 and 1801, the increased appropriation of the latter year corresponding exactly to the salaries of these judges, with the increase in salary of five of the district judges, and the salaries of the judges of the District of Columbia, in which a circuit court was established at this session of Congress.

to be appointed, but if one may judge from the official reports of the department and the memoirs of some of the officers,<sup>1</sup> the positions were not very lucrative except, possibly, in some of the more important districts; and they certainly are not included in the assertions which this article is criticizing, and may consequently be disregarded in this connection.

Furthermore, the increased expense of this new establishment, over which such a cry was raised by the Republicans in their demand for economy, a cry which has been taken up by some of their more recent followers, was not enormously great. The salaries of the new judges to be appointed under this act amounted to \$31,500.<sup>2</sup> Allowing \$15,000 for contingent expenses, the total increased cost of the system erected by this act was less than \$50,000, a very different thing from \$137,000, which it was assumed in 1802 in the debates in Congress that the repeal of the act would save the government.<sup>3</sup>

In the last place, there is a general disagreement among historians, and all seem to be equally in error, as to Adams's appointment of members of Congress to positions under this act. As the Constitution provides that "no Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time,"<sup>4</sup> it was out of the question for Adams to appoint any members of Congress as circuit judges, but it is maintained that the President violated the spirit of the Constitution by advancing district judges to the new positions and then filling the vacancies thus made with senators and representatives. One writer mentions two such appointments,<sup>5</sup> another says that there were "many;"<sup>6</sup> as a matter of fact, there were four.<sup>7</sup> Of the sixteen circuit judges appointed, six were promoted from the position of district judge, and to the vacant district judgeships thereby created three senators and one representative were named.<sup>8</sup>

<sup>1</sup> *American State Papers, Miscellaneous*, I. 303; cf. J. H. Morison, *Life of Jeremiah Smith* (district attorney for New Hampshire), Boston, 1845.

<sup>2</sup> In the first five circuits the salary of the judges was fixed at \$2,000, in the sixth circuit at \$1,500.

<sup>3</sup> *Annals of Congress*, 7th Congress, first session, 37.

<sup>4</sup> Article I., Section 4.

<sup>5</sup> McMaster, *History of the People of the United States*, II. 610, note.

<sup>6</sup> Channing, *The United States of America*, p. 158.

<sup>7</sup> Two members of the House of Representatives, Otis of Massachusetts and Kittera of Pennsylvania, were also appointed to the places of two district attorneys, who received appointments as judges.

<sup>8</sup> Senators Green, Paine and Read, and Representative Hill were respectively named for the district judgeships of Rhode Island, Vermont, South Carolina and North Carolina.

As was stated at the outset, this article is not intended as a vindication of President Adams and the Federalist party for the passage of the Judiciary Act of 1801, nor of the appointments to office that were made under it; its purpose is simply to correct some of the mistaken notions that are current regarding those measures, and to refute some of the charges that have been made. It is not true that the bill was only "introduced after Mr. Adams's defeat for re-election in 1800,"<sup>1</sup> for the act of 1801 was merely a copy of the bill which was introduced at the previous session before that presidential election had been held. The act did not "erect thirty-six new judgeships"<sup>2</sup> nor even add "twenty-three well paid places to the list of offices within the President's gift,"<sup>3</sup> for, as we have seen, aside from the clerks, attorneys and marshals, there were but sixteen judicial offices established. Nor can the increased expense entailed, amounting to less than \$50,000, be fairly regarded as "prodigal" or a "serious inconvenience"<sup>4</sup> to a government whose annual income amounted to over ten millions. And finally, as to the appointments that were made, it would seem to be a wholly natural proceeding to promote some of the district judges to the higher positions that were opened, and it would depend solely upon the character of the men themselves, whether it were right that members of Congress should be appointed to the district judgeships thus vacated; it is, therefore, apt to give a wrong impression to say that the Constitution was "*evaded* by promoting *many* district judges to the new positions, and filling the vacancies thus created by the appointment of members of Congress."<sup>5</sup>

MAX FARRAND.

<sup>1</sup> Tyler, *Parties and Patronage*, p. 24.

<sup>2</sup> *Ibid.*

<sup>3</sup> McMaster, *op. cit.*, p. 533.

<sup>4</sup> *Annals of Congress*, 7th Congress, first session, pp. 27, 30.

<sup>5</sup> Channing, *Students' History of the United States*, p. 314.



## PRESIDENT BUCHANAN'S PROPOSED INTERVENTION IN MEXICO

DURING President Buchanan's administration Mexico was in the usual chronic state of revolution ; before the close of this period civil discord brought this republic to the very verge of ruin. Two parties had grown up which were bitterly opposed to one another, and which became involved in a struggle for the control of the government. The Conservative party was closely connected with the Church and was favorable to absolute government ; the Constitutional party claimed to represent the people and was covetous of the enormous wealth still remaining to the Church.

In 1857 a so-called Constituent Congress adopted a constitution and provided for a popular election, under which General Comonfort was chosen President, and in December he was inaugurated President of the republic in the city of Mexico. Within a month General Comonfort was overthrown by General Zuloaga, who in turn was declared President by his faction. The entire diplomatic corps, including the minister of the United States, recognized the government of Zuloaga as the *de facto* government of Mexico.

The Constitution of 1857 provided that in the absence of the President his duties should fall to the Chief Justice of the Supreme Court. Accordingly the Chief Justice, General Benito Juarez, a full-blooded Indian, but a man of great ability and patriotism, withdrew with a scanty following to Guanajuato and set up a "Constitutional Government." He soon succeeded in establishing himself at Vera Cruz, and all the northern and southern provinces acknowledged his jurisdiction. General Zuloaga's authority waned even in the capital, and eventually General Miramon became the leader and head of the Conservative government.<sup>1</sup>

In the midst of these turmoils, life and property in Mexico were no longer safe. In vain did the minister of the United States demand protection for his fellow-citizens, and seek indemnities for past injuries.<sup>2</sup> Claims estimated at more than \$10,000,000, based upon the violation of an express provision in the treaty of Guadalupe Hidalgo, and gross injuries to the persons and property of Amer-

<sup>1</sup> For the political condition of Mexico during this time see H. H. Bancroft's *History of the Pacific States*, Vol. VIII., Mexico, Vol. V., p. 646 *et seqq.*

<sup>2</sup> President Buchanan's second annual message, December 6, 1858.

ican citizens, arose.<sup>1</sup> Murder, plunder and imprisonment of citizens of the United States by different parties claiming and exercising local jurisdiction were frequent. American citizens could not visit Mexico without imminent danger.<sup>2</sup>

A few selected and well established facts will show the intolerable nature of this rule of anarchy. An American named Crabbe and his associates were executed without trial in Sonora; four sick Americans, who had taken refuge in the house of an American within the territory of the United States, were seized and murdered; General Marquez, who was in the service of the government of Miramon, seized three American physicians in the hospital at Tacubaya, while they were attending the sick and dying of both parties, and executed them without trial. Ormund Chase was seized by Marquez at Tepic and shot on the 7th of August, 1859, and his friends could not even conjecture the cause of his arrest.<sup>3</sup>

In his third annual message President Buchanan said: "Outrages of the worst description are committed both upon persons and property. There is scarcely any form of injury which has not been suffered by our citizens in Mexico during the last few years. We have been nominally at peace with that Republic, but 'so far as the interests of our commerce, or of our citizens who have visited the country as merchants, shipmasters, or in other capacities, are concerned, we might as well have been at war.' Life has been insecure, property unprotected, and trade impossible except at a risk of loss which prudent men can not be expected to incur. Important contracts, involving large expenditures, entered into by the central Government, have been set at defiance by the local governments. Peaceful American residents, occupying their rightful possessions, have been suddenly expelled the country, in defiance of treaties and by the mere force of arbitrary power. . . . Vessels of the United States have been seized without law, and a consular officer who protested against such seizure has been fined and imprisoned for disrespect to the authorities. Military contributions have been levied in violation of every principle of right, and the American who resisted the lawless demand has had his property forcibly taken away and has been himself banished." The various European governments made similar complaints.<sup>4</sup> Neither party was humane; but the Conservatives

<sup>1</sup> President Buchanan's second annual message, December 6, 1858.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Senate Exec. Doc.*, 36th Congress, first session, Vol. I., pp. 36-50.

<sup>4</sup> See Lord Russell's despatch to George B. Mathew, August 24, 1860 (*Brit. and For. St. Pap.*, LI. 548), and Mathew's despatch to Russell, September 28, 1860 (*St. Pap.*, 1861, Vol. LXV.); also the French ambassador's despatch to the captain-general of Cuba, April 29, 1861 (*Archives Diplomatiques*, Tome III., 1862, pp. 286-287.)



were especially unfriendly to the United States, and consequently they treated American citizens harshly, and even brutally.<sup>1</sup>

In addition to claims for damages to persons and property, our government had grievances against Mexico for not restraining large bands of hostile and predatory Indians from roaming freely over the Mexican states of Chihuahua and Sonora and the adjoining territories of the United States; and our southern frontier was kept in a constant state of alarm by lawless bands of Mexicans crossing the border and committing depredations on our remote settlers. It was alleged that the local governments of these Mexican states were perfectly helpless and were themselves terrorized by the Indians. Life and property were insecure on our frontier, and anarchy and violence prevailed; settlement of the country was arrested, and the stage and postal communication established between the Atlantic and Pacific was in danger of being destroyed.<sup>2</sup>

The gravity of the situation was shown in 1858 in a controversy between the Mexican government and our minister, John Forsyth.<sup>3</sup> The Mexican government had issued a decree on May 15, levying a certain tax on capital whether held by Mexicans or foreigners. Forsyth formally protested against it and advised his countrymen not to pay the contribution, but to allow it to be forcibly exacted.<sup>4</sup> Notwithstanding this protest, when Mr. Solomon Migel, a citizen of the United States, refused to pay, he was ordered to leave the country within three days. The Mexican government understood that the refusal of Mr. Migel to comply with the decree was really the act of the diplomatic agent of the United States, and it was warned that if it proceeded to carry out the decree of banishment, it would "take the step upon the peril of its responsibility to the sovereignty of the United States."<sup>5</sup> Nevertheless, Mr. Migel was banished, and thereupon Forsyth suspended diplomatic relations with the Conservative government.<sup>6</sup>

This episode led to grave consequences, for Forsyth was upheld by President Buchanan and was instructed not to renew the relations thus broken off, but to withdraw the legation of the United States from the Republic. President Buchanan was resolved to

<sup>1</sup> See Forsyth's despatch, No. 80, to Cass, June 25, 1858. *Senate Ex. Docs.*, 35th Cong., second session, Vol. I.

<sup>2</sup> President Buchanan's second and third annual messages.

<sup>3</sup> Forsyth to Cass, No. 79, June 19, 1858, and Cass to Forsyth, No. 49, July 15, 1858. *Sen. Ex. Docs.*, 35th Cong., second session, Vol. I.

<sup>4</sup> Forsyth to Cass, No. 78, June 17, 1858, and A with No. 78. *Sen. Ex. Docs.*, 35th Cong., second session, Vol. I.

<sup>5</sup> *Ibid.*

<sup>6</sup> Forsyth to Cass, No. 79, June 19, 1858. *Sen. Ex. Docs.*, 35th Cong., second session, Vol. I.



adopt a new policy.<sup>1</sup> Cass wrote to Forsyth : " Your action upon this occasion, and the circumstances attending it, have led the President to consider the condition of Mexico, and the state of our relations with that country. Both are equally unsatisfactory. The government at the capital has neglected the just complaints of the United States, and evinced no disposition whatever to redress the injuries that have been committed upon the persons and property of our citizens. Your previous efforts upon this subject have failed, and the reports received from you indicate little expectation of a favorable change, till the United States, to adopt your own language, shall give striking evidence of their will and power to protect their citizens." <sup>2</sup>

After the withdrawal of the American legation, President Buchanan sent a special agent to Mexico,<sup>3</sup> with instructions to study the political condition of the country, the strength of the Constitutional government and such other matters as would aid the President in shaping his policy with reference to Mexico. Upon the strength of the report of this agent, a new minister was sent to Mexico, with discretionary powers to recognize the Constitutional government at Vera Cruz, if upon his arrival in Mexico he should find the report of the special agent confirmed by his own observation, and that government entitled to recognition according to the established practice of the United States.<sup>4</sup>

Even before diplomatic relations with the Conservative government ceased, it was thought that the Constitutional party would be less unfriendly to the United States and more ready to redress the grievances of American citizens ;<sup>5</sup> after the rupture, the hostility of General Miramon to the United States, and the continued outrages against our citizens committed by his supporters led President Buchanan to conclude that the only hope of a satisfactory adjustment of our relations with Mexico, was the recognition and tacit support of General Juarez.<sup>6</sup> Hence Mr. Robert McLane, the newly appointed minister to this mission, soon after his arrival in Mexico presented his credentials to President Juarez.<sup>7</sup>

As early as 1858, President Buchanan had foreshadowed a determined policy with reference to Mexico ; he declared that

<sup>1</sup> It should be stated that the published correspondence between our ministers to Mexico and the Department of State is very meagre.

<sup>2</sup> Cass to Forsyth, No. 49, July 15, 1858. *Sen. Ex. Docs.*, 35th Cong., second session, Vol. I.

<sup>3</sup> President Buchanan's third annual message, December 19, 1859.

<sup>4</sup> *Ibid.*

<sup>5</sup> President Buchanan's second annual message, December 6, 1858.

<sup>6</sup> President Buchanan's third and fourth annual messages.

Third annual message.

abundant cause existed for a resort to hostilities against the Conservative government, but that the success of the Constitutional party appeared to offer hopes of a peaceful adjustment of our difficulties with the country. "But for this expectation, I should at once have recommended to Congress to grant the necessary power to the President to take possession of a sufficient portion of the remote and unsettled territory of Mexico, to be held in pledge until our injuries shall be redressed and our just demands be satisfied."<sup>1</sup> It was therefore only an unfolding of his schemes when Buchanan adopted the conclusions of Forsyth and McLane as his own, that "Nothing but a manifestation of the power of the government of the United States and of its purpose to punish these wrongs will avail." He therefore took the very aggressive step of asking Congress for power to enter Mexico with the military forces of the government at the call of the Constitutional authorities, in order to protect American citizens and enforce the treaty rights of the United States.<sup>2</sup>

There was still another influence which caused Buchanan to take this step. He described the Mexican Government as a "wreck upon the ocean, drifting about as she is impelled by the different factions." Under these circumstances the President held that it was our duty as a good neighbor to extend to her a helping hand, and significantly added that, "If we do not, it would not be surprising should some other nation undertake the task, and thus force us to interfere at last, under circumstances of increased difficulty, for the maintenance of our established policy." In the light of later events, it is interesting to note that President Buchanan either had a strong conviction that it was the true policy of the United States to intervene in Mexico, or else he held up before the American people the probable European intervention to justify and excuse his own policy towards Mexico. Later, in speaking of the refusal of Congress to give him power to use the military forces of the United States in Mexico, he said: "European Governments would have been deprived of all pretext to interfere in the territorial and domestic concerns of Mexico. We should thus have been relieved from the obligation of resisting, even by force, should this become necessary, any attempt by these Governments to deprive our neighboring Republic of portions of her territory—a duty from which we could not shrink without abandoning the traditional and established policy of the American people."<sup>3</sup> The only European sovereign whom

<sup>1</sup> Second annual message.

<sup>2</sup> Third annual message.

<sup>3</sup> Fourth annual message.

the President suspected of a desire to interfere in Mexico was the Emperor of the French. The French minister exercised great influence over General Miramon, and shortly before this Napoleon III. had directed his attention in a special manner to Central America. "The President, therefore, watched his proceedings with constant vigilance, under the conviction that should he attempt to colonize the whole or any portion of Mexico, this would almost necessarily involve the United States in a war with France in vindication of the Monroe Doctrine."<sup>1</sup>

The presence of two rival governments increased the difficulty of rendering any effective assistance in establishing a stable government in Mexico. The Constitutional government was well disposed towards the United States, but its authority was not acknowledged by the central provinces around the city of Mexico, and consequently it was powerless to act for the whole country. The Conservative government was unfriendly, almost defiant towards the United States, and it could not be reached by a military force except by passing through territory occupied by the Constitutional government. The President was of the opinion that the necessary consent and even the aid of that party could be obtained. But however that might be, he considered it the duty of the government of the United States to protect our citizens in their just rights secured by treaty. Therefore, he recommended that Congress "pass a law authorizing the President, under such conditions as they may deem expedient, to employ a sufficient military force to enter Mexico for the purpose of obtaining indemnity for the past and security for the future."<sup>2</sup> . . . "Such an accession to the forces of the Constitutional government would enable it soon to reach the City of Mexico and extend its power over the whole Republic. In that event there is no reason to doubt that the just claims of our citizens would be satisfied and adequate redress obtained for the injuries inflicted upon them."<sup>3</sup>

Disturbances on the boundary between our country and Mexico added to the grievances already enumerated, and for these Buchanan had equally drastic measures. In 1858 he advised Congress to take the necessary steps to assume a temporary protectorate over

<sup>1</sup> *Buchanan's Administration*, pp. 275-276.

<sup>2</sup> This recommendation recalls Jackson's message to Congress, February 6, 1837. The Mexican government had for some time ignored the claims of the United States for damages to the property and injuries to the persons of American citizens; finally Jackson asked Congress for authority to enforce the demands of the United States by the military power of the government, but Congress was not willing to invest the President with power to make offensive war against Mexico.

<sup>3</sup> Third annual message.



the states of Chihuahua and Sonora by establishing military posts within these states, in order to restrain the predatory bands of Indians.<sup>1</sup> The next year this recommendation was repeated.<sup>2</sup>

Both of Buchanan's remedies came to naught because Congress was not prepared to authorize intervention in the domestic affairs of a neighboring state;<sup>3</sup> thereupon he worked out another method of accomplishing the same objects. McLane, the accredited minister of the United States to the Constitutional government, was instructed to negotiate a treaty with that government.<sup>4</sup> The precise nature of McLane's instructions will never be known until our State Department permits the publication of the correspondence between Mexico and the United States, during this period; but the resulting treaty has been published, and from it we can get an understanding of what the administration was willing to accept, though by no means what it desired, in the adjustment of our relations with Mexico.

On December 14, 1859, McLane concluded with the government of Juarez a treaty of "transit and commerce," and a "convention to enforce treaty stipulations;"<sup>5</sup> and on January 4, 1860, the President submitted this treaty to the Senate for ratification.<sup>6</sup> It was published in the *National Intelligencer*, February 18, 1860, apparently through the indiscretion of some senator. It is an important landmark in our relations with Mexico. The treaty of "transit and commerce" only indirectly provided for intervention; but it gave to the United States a privileged status which must result in a controlling influence over the political and commercial affairs of Mexico. The "convention to enforce treaty stipulations" provided for direct intervention under certain conditions.

By the treaty of "transit and commerce" Mexico ceded to the United States in perpetuity the right of way across the Isthmus of Tehuantepec from ocean to ocean by any kind of road, with the understanding that both republics were to enjoy the use of the same. As soon as any route across the isthmus was established, the republic of Mexico agreed to provide a port of deposit at each ter-

<sup>1</sup> Second annual message.

<sup>2</sup> Third annual message.

<sup>3</sup> "These recommendations of the President were wholly disregarded by Congress during the session of 1859-1860. Indeed they were not even noticed in any of its proceedings. The members of both parties were too exclusively occupied in discussing the slavery question, and in giving their attention to the approaching presidential election to devote any portion of their time to the important Mexican question." Nor did the next annual message of December, 1860, receive any more attention than the previous ones (*Buchanan's Administration*, pp. 274-275).

<sup>4</sup> Fourth annual message.

<sup>5</sup> *Exec. Journal of U. S. Senate*, XI. 115.

<sup>6</sup> Fourth annual message.

minus, and no duty was to be levied by the Mexican government on foreign goods passing over the route, except such as were intended for consumption in Mexico. The mails of the United States were to pass over the route free of all charges, provided they were in closed bags, and not intended for distribution along the road.

Our government was given the right to transport troops, military stores, and munitions of war by the Isthmus of Tehuantepec, and by a route from the city of Guaymas on the Gulf of California to some suitable point on the boundary between the United States and Mexico near the one hundred and eleventh degree of longitude west from Greenwich.

Mexico also ceded to the United States in perpetuity the right of way over any railroad, or route of communication at that time existing, or to be constructed, from the cities Camargo and Matamoros, or any suitable point on the Rio Grande, in the state of Tamaulipas, *via* Monterey, to Mazatlan on the Gulf of California, and from Rancho de Nogales or any suitable point on the boundary between Mexico and the United States near the one hundred and eleventh degree of longitude west from Greenwich to the Gulf of California in the state of Sonora.

All the stipulations and regulations with reference to the transit across the Isthmus of Tehuantepec were extended to the other routes, except the right of transporting troops, military stores, and munitions of war over them. The Mexican Republic reserved the right of sovereignty over all of the routes specified in the treaty.

Both republics agreed to protect these transits and to guarantee the neutrality of the same. Moreover, Mexico agreed to employ her military forces, if at any time it should become necessary to protect the persons and property passing over any of the routes mentioned; but it was further stipulated that "upon failure to do this from any cause whatever, the Government of the United States may, with the consent or at the request of the Government of Mexico, or the minister thereof at Washington, or of the competent legally appointed local authorities, civil or military, employ such force for this and for no other purpose; and when, in the opinion of the Government of Mexico, the necessity ceases, such force shall be immediately withdrawn."

"In the exceptional case, however, of uniform or imminent danger to the lives or property of citizens of the United States, the forces of the said Republic are authorized to act for their protection without such consent having been previously obtained; and such forces shall be withdrawn when the necessity for this employment ceases."

In consideration of the privileges granted by Mexico to the United States, the government of the United States agreed to pay to the government of Mexico the sum of four millions of dollars, of which two millions were to be paid immediately upon the exchange of ratifications of the treaty, and the remaining two millions were to be retained by our government for the payment of claims of citizens of the United States against Mexico.<sup>1</sup>

The conventional articles to enforce treaty stipulations, maintain order, etc., were the most remarkable features of the treaty; if they had been ratified by the United States Senate, a radical departure from the traditional policy of our government, not to interfere in the domestic concerns of other nations, would have been made.

Article I. provided that "If any of the stipulations of existing treaties between Mexico and the United States are violated, or the safety and security of the citizens of either Republic are endangered within the territory of the other, and the legitimate and acknowledged government thereof may be unable from any cause, to enforce such stipulations or to provide for such safety and security, it shall be obligatory on that government to seek the aid of the other in maintaining their due execution, as well as order and security in the territory of that Republic where such violation and discord occur; and in every such special case the expenses shall be paid by the Treasury of the nation within whose territory such intervention may become necessary; and if disorder shall occur on the frontier of the two Republics, the authorities of the two Republics nearest the place where the disorder exists shall act in concert and co-operation for the arrest and punishment of criminals who have disturbed the public order and security of either Republic, and for this purpose the parties guilty of these offenses may be arrested within either Republic and delivered over to the authorities of that Republic within which the crime may have been committed; the nature and character of such intervention as well as the expense thereof, and the manner of arresting and subjecting to punishment the said criminals, shall be determined and regulated by an agreement between the executive branches of the two governments."

The reason given in the preamble for this extraordinary provision, is that the existing civil war in Mexico and the disturbed condition of the inland frontier of Mexico and the United States may make it necessary for the two republics to act in concert with

<sup>1</sup> The eighth article of the treaty of 1853 between the United States and Mexico contains provisions similar to those enumerated above. The stipulations in the "treaty of transit and commerce" with reference to the United States mails, the transportation of troops, and the protection of the routes are somewhat similar to those in the treaty of 1853. *Treaties and Conventions*, ed. 1889, p. 697.



their military forces in order to enforce treaty stipulations and maintain order.<sup>1</sup>

On the same day that Forsyth concluded the treaty and convention with the Juarez government, he wrote to the Secretary of State that it was only after he had given the Constitutional authorities to understand that the United States would enforce the fulfilment of treaty stipulations by the military power of the government, whether the convention was signed or not, that the Minister of Relations consented to sign it.

The President submitted the treaty to the Senate January 4, 1860, and from that time till May 31, it went through the usual form, receiving attention from time to time in the executive sessions of the Senate.<sup>2</sup> On May 31, it was seriously considered. The provision which appears to have received most attention had nothing to do with the intervention features of the treaty, but related to reciprocal trade in the natural and manufactured products of the two republics. When the final vote was taken, eighteen senators voted for ratification and twenty-seven against it.<sup>3</sup> "So it was resolved, That the Senate do not advise and consent to ratification of the treaty of transit and commerce between the United States of America and the Mexican Republic, dated at Vera Cruz, December 14, 1859."<sup>4</sup>

After the decision was announced, Mr. Simmons of Rhode Island moved that the vote of the Senate be reconsidered, and it was ordered that this motion be postponed until the next day.<sup>5</sup> It

<sup>1</sup>The full text of the treaty was published in the *Daily National Intelligencer* of February 18, 1860, and also in the *New York Times*. I have not been able to find it in any printed public document.

<sup>2</sup>*Executive Journal of the U. S. Senate*, XI. 115, 116, 126, 127, 135, 146, 152, 153, 154, 156, 158, 192-199.

<sup>3</sup>Those who voted in the affirmative were Messrs. Bragg of N. C., Clingman of N. C., Davis of Miss., Fitch of Ind., Fitzpatrick of Ala., Green of Mo., Gwin of Cal., Hemphill of Tex., Johnson of Ark., Johnson of Tenn., Lane of Or., Mason of Va., Polk of Mo., Powell of Ky., Pugh of O., Rice of Minn., Sebastian of Ark., and Toombs of Ga.

Those who voted in the negative were Messrs. Anthony of R. I., Bigler of Pa., Bingham of Mich., Brown of Miss., Cameron of Pa., Chandler of Mich., Clark of N. H., Collamer of Vt., Doolittle of Wis., Fessenden of Me., Foote of Vt., Foster of Conn., Grimes of Ia., Hale of N. H., Hammond of S. C., Harlan of Ia., Hunter of Va., King of N. Y., Pearce of Ind., Seward of N. J., Simmons of R. I., Slidell of La., Sumner of Mass., Trumbull of Ill., Wade of O., Wilkinson of Minn., and Wilson of Mass.

Of the eighteen who voted in the affirmative, all were Democrats; four belonged to the Northern States. Of the twenty-seven who voted in the negative, twenty-one were Republicans and six were Democrats; five of the Democrats belonged to states south of the Mason and Dixon line. See *Cong. Globe*, 36th Cong., first session, Part I; also *Ex. Journal of the U. S. Senate*, XI. 199.

<sup>4</sup>*Ex. Journal of the U. S. Senate*, XI. 199.

<sup>5</sup>*Ibid.*

was not, however, till June 27 that Simmons's motion was again taken up; on that day it was agreed to reconsider by a vote of twenty-six to fifteen. Senator Wilson of Massachusetts then moved that the further consideration of the treaty be postponed to the first Monday of the next December.<sup>1</sup> When Congress met in December the country was too much excited over secession and slavery to again take up the Mexican treaty, and consequently, June 27, 1860, was the last time that the Senate considered this remarkable treaty.<sup>2</sup>

Naturally enough Miramon protested against the treaty which would have led to the early overthrow of his government and the establishment of the authority of the Constitutional government over all Mexico. Hence two protests were filed: one by O. Muñon Lea, Miramon's Minister of Relations, and another by Miramon himself. Both throw light upon the preceding negotiations.

Mr. Lea protested on the ground that such a treaty would lead to new complications, and therefore prolong the civil war in Mexico; that it would be dishonorable for the United States to take advantage of the weakness of Mexico to secure the acquisition of territory, or the grant of a transit route across Mexico; and that, even if the Constitutional government were the *de facto* government of Mexico, President Juarez had no authority to make a treaty granting away territory, or a transit route, because the Mexican Constitution expressly declared that, "it is ordained that only to Congress belongs the power to approve treaties, compacts, or diplomatic conventions and to grant or deny the entrance of foreign troops into the territory of the federation." The protest also set forth that when the government of Miramon was installed in January, 1858, it was at once recognized by the Minister of the United States, who in March of the same year presented a plan of a treaty for a new boundary line between the two republics. This involved a considerable loss of territory to Mexico, and other regulations of great importance. The Minister of Relations declined to accept this proposition, because such a treaty would excite domestic strife just when peace was the principal object of the Mexican government. "From that time Mr. Forsyth declared himself in open hostility to the Government, favored, as far as he was able, the enemies who were warring against it, broke off, without waiting for instructions from Washington, and without any ascertained cause, the relations existing between the two countries, and did not leave the Republic until, wearied with so many fruitless efforts to break down the very Government he had recognized, he lost all hope of realizing his desires."<sup>3</sup>

<sup>1</sup> *Ex. Journal of the U. S. Senate*, XI. 199.

<sup>2</sup> *Ibid.*, pp. 228, 229. Schouler's *History of the U. S.*, V. 453, note.

<sup>3</sup> *National Daily Intelligencer*, January 16, 1860.

These insinuations must be taken with due allowance, but they undoubtedly show that our government failed to secure something that it greatly desired, presumably the cession of Mexican territory, and it is not at all unlikely that this was the real cause of the breach of diplomatic relations with the Miramon government, and the decision to recognize the government of Juarez as more favorable to the concessions desired by the administration.

General Miramon's personal protest practically repeats the same charges; it refers to Mr. Forsyth's efforts to secure a new boundary line between Mexico and the United States for a consideration and to the American minister's insistence "that they should avail themselves of this opportunity to gain a few millions of dollars in the existing strife; that is, in the war against the Constitutional forces. This proposition so unworthy of a nation was rejected in terms already known to the Republic."<sup>1</sup>

The McLane-Juarez treaty awakened great interest both in the United States and the leading countries of Europe, especially England, France and Spain. In the United States the North generally opposed the ratification of the treaty, while the South favored it, although there are notable exceptions to this statement.<sup>2</sup> There was an impression in the North that the policy of the administration with reference to Mexico was deliberately planned with a view to strengthening the slave power, and hence the treaty came to be a party question. Thus F. P. Blair in a letter to J. J. Crittenden expressed the belief that the whole scheme was one to secure more territory for slavery.<sup>3</sup>

A correspondent of the *New York Tribune* declared that the administration aimed at the ultimate absorption of Mexico by the United States in order to offset, politically, the growing greatness of the West, and to illustrate Calhoun's idea of equality in the Senate; that the slave section knew that the next census would reveal the comparative weakness of the South, and consequently they had contrived a plot by which they could increase their population and territory; and that this was the inspiration of the whole scheme. This correspondent thought that the political game in the treaty was the same as that played by President Polk.<sup>4</sup>

On January 10, 1860, the *National Intelligencer* devoted nearly three columns to a criticism of President Buchanan's Mexican pol-

<sup>1</sup> *Daily National Intelligencer*, February 9, 1860.

<sup>2</sup> See *supra*, p. 696. Memorials from citizens of New York and Chicago were presented to the Senate, favoring the ratification of the treaty. *Exec. Journal of the Senate*, XI. 152, 153.

<sup>3</sup> Coleman's *Crittenden*, II. 186.

<sup>4</sup> *New York Tribune*, February 28, 1860.



icy. It maintained that the use of our military forces in Mexico in concert with one of the warring factions, which was unable to establish its supremacy, was not only opposed to the general principles of public law, but also to our own theory of popular government; and that revolutions were so common in Mexico that, in order to maintain any kind of stable government there, it would be necessary to assure perpetual presence of American troops "as the armed Janissaries of some Mexican satrap."

A correspondent of the *Boston Courier*, who was described as being "peculiarly well informed on Mexican history and current politics," pointed out that Juarez was shut up in Vera Cruz and that only the frontier states acknowledged his government, while all of the rich and populous states of the interior acknowledged the government of General Miramon. Hence, he concluded that President Juarez could not make a treaty that was worth having; the one thing which Juarez needed most was money, and all that he could offer in exchange for money was territory; such a step would assure his downfall and establish Miramon's popularity. As to the Isthmus routes, neither of the rival governments could maintain a safe transit across any part of the republic.

While such a discussion was going on at home, the measure could not fail to attract attention in Europe. Foreigners foresaw the practical absorption of Mexico by the United States, and this at once aroused the commercial ambition of England, and the race prejudices and religious animosity of Spain and France.

No official expression on the subject from the government of Great Britain can be found in the published correspondence of either country, but the President's policy did not escape the notice of the *London Times*. On January 11, 1860, it predicted the annexation of a part of Mexico by the United States, and added, "In one sense this is a gain to humanity. Beautiful and fertile regions, now desert, will pass under the hands of the cultivator, mines will be worked, harbors will be filled with shipping, and a new life will animate that vast region. . . . Although we have not the slightest wish to interfere with the Americans, it is but right that an adequate force should be at hand to protect British interests in those quarters." On January 13, the *Times* once more took up the subject and commented at length on the President's policy, expressing approval and declaring that, "saving British interests, we should look on such a proceeding without the least dissatisfaction."

Quite different was the position taken by Spain. The Spaniards were intimately connected with the Mexicans by ties of blood and religion; the Spanish government naturally looked with jealousy

upon a proposition which would ultimately result in the extinction of an ancient Spanish province. Ever since 1858,<sup>1</sup> the government at Madrid had been urging France and England to unite with it in a joint intervention in Mexico. The powerful influence of the Church was on the side of the Conservative government in Mexico, while the Constitutional government confiscated the enormous revenues of the clerical orders and declared for religious liberty. These considerations together with the monarchical sympathies of the Conservative government, caused the Spanish government to throw the weight of its influence on that side and to look with uneasiness upon the favor shown to the government of Juarez by the United States.<sup>2</sup>

President Buchanan's Mexican policy excited a lively interest in the Spanish court, and the Spanish government redoubled its efforts to induce France and England to join with it in an intervention in Mexico for the purpose of putting an end to anarchy and of establishing a stable government, that is, of putting down the Constitutional government and supporting Miramon.<sup>3</sup> Consequently, on April 18, 1860, the Spanish Minister of State declared that "no people, and Spain less than any other, can consent to the absorption, or even the protectorate, or to the exclusive preponderance of any nation whatever over the vast and rich continent discovered and civilized by our ancestors."<sup>4</sup>

In a despatch to the Spanish ambassador at London urging the co-operation of England in a joint intervention in Mexico, the Spanish Minister of State points out that the McLane-Juarez treaty is prejudicial to the interests of England, and that if the treaty is ratified, it will produce complications which will affect not only Spain, but all commercial nations, because the great oceanic routes will be dominated by a people who preach the political and commercial exclusion of Europeans from America.<sup>5</sup>

It is difficult to ascertain just what the attitude of the French government was at this time toward the proposed American intervention in Mexico. No full official expression appears to have been published on the subject, and the *Moniteur*, the organ of the government, passes over the whole matter with a simple mention of the treaty. Perhaps Napoleon III. was too much engaged in European affairs to give due attention to political controversies in America. There is, however, some evidence that he considered intervention in

<sup>1</sup> *Archives Diplomatiques*, Tome III., 1862.

<sup>2</sup> *Archives Diplomatiques*, Tome III., 1862, pp. 271, 283, 284-286.

<sup>3</sup> *Archives Diplomatiques*, Tome III., 1862, pp. 211-213, 215.

<sup>4</sup> Calderon Collantes to M. Mon, April 18, 1860. *Archives Diplomatiques*, Tome III., 1862, p. 212.

<sup>5</sup> Calderon Collantes to the Spanish ambassador at London, May 11, 1860. *Archives Diplomatiques*, Tome III., 1862, p. 215.

Mexico,<sup>1</sup> but there is nothing to indicate that he was hostile to President Buchanan's plans ;<sup>2</sup> on the other hand he appears to have desired the friendly co-operation of the United States with England, Spain and France in the establishment of a permanent and responsible government in Mexico.<sup>3</sup> When the Spanish ambassador urged the French Minister of Foreign Affairs in 1860 to intervene in Mexico, he replied that they must wait until the Senate of the United States had approved or rejected the treaty made with President Juarez and that his government had decided to put off every resolution upon the subject until after the vote of the American Senate.<sup>4</sup>

It must be admitted that the situation in Mexico was intolerable ; it was inevitable that, sooner or later, some foreign power, or combination of powers should intervene, if security was not given to foreign residents and treaty obligations were not observed. Yet it should be borne in mind that the Constitutional government, under the leadership of the able and patriotic statesman Juarez, evinced a greater willingness and ability to restore order and settle all international disputes, than its rival, the Conservative government, under the leadership of the unscrupulous Miramon. Juarez was carrying on a desperate struggle against the privileged classes, who, rather than give up the least of their privileges, preferred to betray their country to a foreign prince. The principles for which Juarez fought met with a sympathetic response in the United States, and the success of his arms in 1860 gave him undisputed control over the whole of Mexico. What he needed was time to complete his reforms at home and to adjust the relations of his government with foreign governments. A little patience and friendly assistance from the governments which had undoubted claims against Mexico would, in all probability, have enabled such a leader to maintain a stable government based upon the will of the people and to settle amicably all controversies with foreign powers. It would be idle to speculate upon what would have been the course of events in Mexico had President Buchanan's intervention been carried out ; yet in the light of later events it appears altogether probable that the pretext for intervention by the three European powers would have been removed and our government would have been spared the humiliation of seeing its much-cherished and jealously guarded Monroe Doctrine rendered ineffective at a time when civil war necessarily weakened our foreign policy.

HOWARD LAFAYETTE WILSON.

<sup>1</sup> *Archives Diplomatiques*, Tome III., 1862, pp. 205-216.

<sup>2</sup> See *supra*, page 692.

<sup>3</sup> *Archives Diplomatiques*, Tome III., 1862, p. 223.

<sup>4</sup> M. Mon to M. Collantes, May 4, 1860. *Archives Diplomatiques*, Tome III., 1862, p. 214.



## DOCUMENTS

### *Letters of Ebenezer Huntington, 1774-1781.*<sup>1</sup>

EBENEZER HUNTINGTON was born at Norwich, Connecticut, December 26, 1754, the fourth son of General Jabez Huntington. After preparation at the grammar school at Lebanon he entered Yale College, in October 1771, where he was graduated in 1775. The same year he received an honorary degree of A.B. from Harvard College. Already, on the outbreak of hostilities in April, 1775, he had joined the army before Boston as a volunteer. In September he received a commission as first lieutenant in Captain Chester's company of the Connecticut regiment commanded by Colonel Samuel Wyllys. In June, 1776, he was appointed a captain in that regiment. Toward the end of the year he was made deputy adjutant-general, and deputy paymaster-general to the troops on the North River under the command of Major-General Heath. In January, 1777, he was appointed a major under Colonel Samuel B. Webb in one of the sixteen additional regiments which Congress had authorized General Washington to raise. He was with Washington at Valley Forge, and in the passage of the Delaware on the night of December 24. In 1778, Colonel Webb having been made a prisoner, and the lieutenant-colonel being sick, Ebenezer Huntington commanded the regiment and marched it to Newport to reinforce the troops intended for the attack on Rhode Island. On October 10, 1778, the lieutenant-colonel having resigned, Huntington was promoted to that position. In 1781, as lieutenant-colonel in a regiment of light infantry, he marched from the North River to Yorktown, and served at the siege of that place. From 1792 to 1823, he was adjutant-general of the state of Connecticut, and from 1799 to 1805 he was also major-general of the third division of the Connecticut militia. He was actively interested in the establishment of the turnpike between Norwich and New London, the first in the state (1791), in the establishment of the first insurance company at Norwich (1794), and of its bank (1796), of which he was president for many years. In 1798 he was appointed a brigadier-

<sup>1</sup> For the following letters we are indebted to Miss Perkins, of Norwich, Connecticut, a granddaughter of their writer.

general in the provisional army raised by the United States at that time. From 1810 to 1811, and from 1817 to 1819, he was a member of Congress. He was an excellent disciplinarian, and a man of great dignity and force of character. He was twice married, and died on June 17, 1834. The letters here printed should be brought into connection with the letters of his brother Jedidiah Huntington, which are printed in the *Collections of the Massachusetts Historical Society*, Fifth Series, IX. 493-518, with the letters of Jedidiah and Joshua, another brother, printed in the same society's *Proceedings*, Second Series, VII. 355-360, and with the letters printed in the three volumes of the *Correspondence of Colonel Samuel Blachley Webb*, edited by Mr. Worthington C. Ford. A portrait of Gen. Ebenezer Huntington is given in Miss Caulkins's *History of Norwich*, ed. 1866, facing p. 419.

I. TO JABEZ HUNTINGTON.<sup>1</sup>

NEW HAVEN April 15<sup>th</sup> 1774

*Hon<sup>d</sup> Sir* In your last p<sup>r</sup> Esq<sup>r</sup> Sherman you wrote me that you Intend to send a horse for me next may, should be glad if it is not Inconvenient, you would Please to send of your own family with it, for I have Several old Clothes that I want to have at Home, and Cannot Carry them myself with other Necessaries.

The Vacancy<sup>2</sup> begins Generally the 6<sup>th</sup> Day of May, towards Night, but as it Comes on friday, so that Scholars that live at any great Distance, Can not get home that week, the President and tutors will (I believe) let them go away on thursday.

Last Monday was freemans meeting here when they made Choice of Esq<sup>r</sup> Bishop the first Deputy and after going round two or three times more made Choice of Esq<sup>r</sup> Darling the Second Deputy.<sup>3</sup> After that they tried hard to vote in the Petition which was drawn up at the Convention in Midletown but Could not Effect it. at last they Divided the house and got it in by three Majority have nothing further to write you but am in all Respects your Affectionate and Dutiful son

EBENEZER HUNTINGTON

P S The Deputies in this County are Pretty much as they were Last Year there are but 3 New ones in this County.

II. TO JABEZ HUNTINGTON.

ROXBURY CAMP June 25<sup>th</sup> 1775

*Hon<sup>d</sup> Sir*

As I seldom have written to you perhaps you may think it is owing to Negligence, but I Assure you that is not the Case it is owing to my being

<sup>1</sup>Of Norwich, the writer's father.

<sup>2</sup>The vacation at Yale College, where the writer was at this time a student.

<sup>3</sup>Samuel Bishop and Thomas Darling represented New Haven in the General Assembly of May, 1774.

so Prodigiously Hurried for the fall business in Flaxseed time is nothing to be Compared to the fatigue I undergo daily, get to bed att 11 °Clock and up as soon as light appears with a great deal of Care on my hands.

Nothing has happen<sup>d</sup> Lately worth Mentioning Except Yesterday, about 1 °Clock the Regulars began firing from their breastwork and block house upon our lowermost Centinels and main guard but did no harm. they Continued their fire till about 3 °Clock. then they hove severall Shells Carcases &C with a few shott from their Cannon. about four oClock two of our men very Imprudently ran down upon the neck to destroy the house their main guard was kept in, Suspecting they were then out, but they were fired upon by about thirty of the Regulars, who killed them, then went up to the bodies of the Dead and every one to a man thrust his Bayonet into their bodies. they might have Easily taken them as they were both unarm<sup>d</sup> but they rather choose to destroy them than to take them Prisoners. (a disgrace to the name of britons).<sup>1</sup>

Our men in General did not regard their firing one half so much as they do a Shower of hail. three men belonging to the Train of Artillery from Rhode Island Espyed a Shell falling ran up to it knocked out the Phiz and brought it up to the General with almost two Pounds of Powder in it. it is Strange that our People regard their firing no more than they do, but it is Certainly true they do not Pay any Attention to it.<sup>2</sup>

We hear from Boston by a Gentleman who made his Escape from thence in a fishingboat that Maj<sup>r</sup> Pitcairn and Maj<sup>r</sup> Sheriff and Col<sup>r</sup> Williams are Certainly killed and about thirty other Officers<sup>3</sup> and about twelve hundred Privates killed and wounded so that their loss is in a greater Proportion than it was in the Lexington Battle. the number of Wounded from Connecticut is 23 13 Missing. N Hampshire, 19 Missing Seventy four Wounded. as to the loss the Massachusetts Sustained I have not been able to Learn.

I am well and have been Well Ever since I left home and as to Coming home in July I do not think at Present that I Can be With you so soon but Cannot tell should be Glad you would get a Certificate from President Daggett that I am in Regular Standing at College and likewise a Recommendation as I imagine I can have a Degree without Going to Connecticut for it if I have it Certifyed that I am in Regular Standing, for Doct<sup>r</sup> Langdon hath given me Encouragement that he will give me one if N Haven President refuses it if I am denyed it only because of my tarry from College this Summer and my leaving it without Liberty in the Alarm Last April.<sup>4</sup>

I am Your Dutifull Son EBENEZER HUNTINGTON.

<sup>1</sup> Heath's *Memoirs*, pp. 22, 23; diary of Samuel Bixby, in *Mass. Hist. Soc. Proc.*, 1875-1876, p. 288; diary of Ezekiel Price, *ibid.*, 1863-1864, p. 192; Heath, *ibid.*, 1858-1860, p. 295.

<sup>2</sup> See Frothingham, *Siege of Boston*, p. 213.

<sup>3</sup> The British official account, *Remembrances*, 1775, p. 99, gives 21 officers killed (or mortally wounded) in the battle of Bunker Hill. Among them were Major Pitcairn of the marines and Major Williams of the 52d. Major Sheriff of the 47th was not killed.

<sup>4</sup> The writer received his A.B. degree from Yale College and also, in the same year, an honorary degree of A.B. from Harvard.



III. TO JABEZ HUNTINGTON.

Hon<sup>d</sup> Sir

CAMP AT ROXBURY, June 29<sup>th</sup> 1775

I receiv<sup>d</sup> your letter p<sup>r</sup> Mery Yesterday with a dozen of flints: you wonder why I want so many; the reason is this, My store is so situated that in Case the regulars should Come out I cannot move any thing out of it; therefore I shall have no reason for not fighting to defend it, which had I no other reason would be Sufficient to Induce me to be Prepared for Defence.

My Chest got safe to hand p<sup>r</sup> M<sup>r</sup> Morgan but was most grievously disapointed in not finding one or two Striped Jacketts in it, which I much wanted and which might have been sent very Easily.

In my last to you I made mention about a degree, I informed you that there was a Chance of my having a degree Conferr<sup>d</sup> upon me by Doct<sup>r</sup> Langdon; Should be glad to have Liberty from you to purchase a suit of Clothes as my light Clothes were much dirtied for want of a Change before my Chest Came, which Obliges Me to ask Liberty for a new suit to make me appear Properly Cloth<sup>d</sup> at such a time, should I succeed, but at the same time would not be over Desirous as I am disposed to be as frugal as Possible; I understand the Assembly are Called together Concerning raising more troops. should it so happen that Chester<sup>1</sup> should be promoted and M<sup>r</sup> Webb should get the Command of that Com<sup>y</sup> should be Extremely happy in having a first Lieu<sup>a</sup> Birth under him at the same time would say that I would not Except of a Second Lieu<sup>a</sup> Birth under him nor any man in the world and Quit my business. I find that three fourths of the Captains in the Province Pay are as unfit for their Station as I Should be for a Gen<sup>l</sup> in Command, not flattering myself would venture to say that I look upon myself fit for a Captaincy.

As to news have none but what you have hear<sup>d</sup> I am in all Respects with proper Regards your Dutiful Son

EBEN HUNTINGTON.

N B Should be Glad you would show the lines above to some member of the lower house<sup>2</sup> that would try to get me the birth above mention<sup>d</sup>

IV. TO ANDREW HUNTINGTON.<sup>3</sup>

Dear Brother

ROXBURY CAMP, Octo<sup>r</sup> 3<sup>d</sup> 1775.

With Pleasure I fulfill my obligations to you in the Letter way. I should have wrote to you before but the great uneasiness which hath

<sup>1</sup> John Chester, who had married Huntington's sister, was captain of the ninth company in the second Connecticut regiment. Samuel B. Webb, a brother-in-law of Chester, was his first lieutenant. *Colonial Records of Connecticut*, XIV. 425; *Correspondence of Samuel B. Webb*, I. 44.

<sup>2</sup> Huntington's father, to whom the letter is addressed, was a member of the upper house.

<sup>3</sup> The letter is addressed "To Mr. Andrew Huntington, Merchant, Norwich, fav of Cap<sup>t</sup> Trumbull." Andrew, the writer's brother, was the second son of Hon. Jabez Huntington, the five sons being, in order of age, Jedidiah, Andrew, Joshua, Ebenezer, and Zachariah. For the episode of Dr. Benjamin Church, see Washington's *Writings*, ed. Sparks, III. 115, 116, 502-506; *Mass. Hist. Soc. Coll.*, I. 84-94.

been in the Reg<sup>t</sup> about my Commission hath taken up all my time. the matter is at Length in a measure Subsided though I can not say the Officers like the matter so well as I could wish.<sup>1</sup> You will be much Surprised to hear that our famous Doct<sup>r</sup> Church that great pretended Patriot is now under a Special guard of a Capt<sup>n</sup> and 40 Men for Corresponding with Gage and other of his Hellish Gang. the Plot was discovered by his Miss who is now with Child by him and he owns himself the father (for he has Dismissed his Wife) she was the bearer of some of his Letters from this place to Newport to Cap<sup>t</sup> Wallace who hath the forwarding them to Boston. she left them with a man she Supposed friendly to Doct<sup>r</sup> Church but was mistaken who having a Curiosity to know the Contents open[ed] Them but they were wrote in Characters so that he was not able to Understand them, but Guessing the contents brought the Letters and Girl to Gen<sup>l</sup> Washington who after an Examination and 4 Hours under guard Confess<sup>d</sup> she Carried them from Doct<sup>r</sup> Church. his tryal has not been yet, but Suppose it will be e'er long.

I wish that my Chest might be forwarded as I am in want of sundry things that are in the Chest. As to news more than I have wrote have not anything. I am in all Respects Your Friendly Brother

EB HUNTINGTON.

P. S. Those Letters of Doct Church's and sundry others that were taken out of his Desk all of them wrote in Character are Decyphering will give you the contents when I shall become knowing to them. Give my Love to your Wife and Other Sisters and Brothers and also your Children.

V. TO JABEZ HUNTINGTON.

ROXBURY CAMP NOV<sup>r</sup> 23<sup>d</sup> 1775

Hon<sup>d</sup> Sir

This minute I rec<sup>d</sup> your favour by post and Observe the Contents. Am v<sup>ry</sup> glad that I am clear of those difficulties as to the Reg<sup>t</sup> not only as it easies me, but as it gives you Satisfaction to hear those difficulties subside. The universal determination of the Soldiers from Connecticut seems to be for home at the Expiration of their Seven Months altho<sup>'</sup> they have been repeatedly Solicited in Gen<sup>l</sup> Orders to tarry longer. We have great reason to fear that our Enemies knowing our Situation will Endeavour to take the Advantage of it which if they do the Consequences will be worse than it is Generally thought.

I have inclosed you a List of the Officers only of Col<sup>o</sup> Wyllys Reg<sup>t</sup> upon the New Arrangement, but will Endeavour to give you a list of the whole Brigade p<sup>r</sup> next post. Orders are now given out for one Officer

<sup>1</sup> When the Continental commissions were announced in general orders, September 20, 1775, the appointment of Ebenezer Huntington to a lieutenancy in Chester's company caused a remonstrance; it was signed by nearly all the officers in the regiment and addressed to General Spencer. The grievance was that he did not rise by gradation or seniority. See a letter of Captain John Chester, in the *Correspondence of Samuel B. Webb*, I. 104-106. Washington's letter of dignified rebuke is printed there and in Sparks, III. 108, 109.

out of Each of the new Companies to go on the Recruiting Service. The 2<sup>d</sup> Lieu<sup>t</sup> of our Company is now out on that business. when he returns, I expect to have an Opportunity to go on the same business.

As to news we have none. Family in usual Health, Brother Joshua was well Yesterday. I am your very dutiful Son,

EBENEZER HUNTINGTON.

VI. TO JABEZ HUNTINGTON.

CAMP AT ROXBURY Jan<sup>y</sup> 12<sup>th</sup> 1776

*Hon<sup>d</sup> Sir*

This day I rec<sup>d</sup> your fav<sup>r</sup> p<sup>r</sup> M<sup>r</sup> Nevins in which you are pleas<sup>d</sup> to say that I have not acknowledged your fav<sup>r</sup> in which was inclosed a letter from Cap<sup>t</sup> Chester. That letter I have rec<sup>d</sup> dated Jan<sup>y</sup> 2<sup>d</sup>. I thought I had acknowledged it or should have done it before this time.

As to filling up the new Army, it is Carried on as well as could be expected considering how disgusted the Old Soldiers went home. As for my own Part I have inlisted but a few, but the Company is as forward as some others. the other two Officers are now on the recruiting service. the Ens<sup>l</sup> I hear has inlisted about 18 Men but do not know whether it may be relied upon. the other L<sup>t</sup> has been gone but about 8 days. I made a Serg<sup>t</sup> belonging to Wethersfield who went home and inlisted twenty two men, came to Camp and after he came to Camp was Encouraged by a Captain of the Reg<sup>t</sup> to an Ensigncy if he would join the 22 Men to his Company accordingly the fellow left me. because I had not the Inlistment they had signed, I could not hold him nor his men. As to paying a Visit to my friends at home I lay by all thoughts of it at Present and conclude to wait till we have open<sup>d</sup> intrenchments on Dorchester hill. I am your ever dutiful son,

EBENEZER HUNTINGTON.

P S Inlisted into Cap<sup>t</sup> Hanchits Comp<sup>y</sup> certain thirty nine men besides Commission<sup>d</sup> Officers.<sup>1</sup>

VII. TO ANDREW HUNTINGTON.

CAMP AT ROXBURY 21<sup>st</sup> Jan<sup>y</sup> 1776

*\*Dear Brother*

Your favour of the 11<sup>th</sup> Instant I this day Rec<sup>d</sup> (I believe) by the hands of M<sup>r</sup> Prince. You must have heard different Accounts ere now from Quebeck than what you mention in your letter. I wish it had been as you hear<sup>d</sup> (that is it had not been worse). Brave Montgomery is dead, but he dyed in defence of a glorious Cause, and I hope is happy. Poor Arnold escaped with a wound that Splinter<sup>d</sup> the bone of his leg; tho' his wound was not bad, yet he was Obligated to be out so long, to make a safe retreat for his men, that he was much weakened with the loss of Blood, and very much fatigued. The Aid de Camp of Gen<sup>l</sup> Montgom-

<sup>1</sup>Oliver Hanchit, captain of the tenth company, second Connecticut regiment. See *Collections of the Rhode Island Historical Society*, VI, 82.



ery's was killed.<sup>1</sup> Maj<sup>r</sup> Bigelow, and Meiggs are spoken highly of likewise Maj<sup>r</sup> Ogden who acted as Major of brigade, who received a ball through his Shoulder. this young Gentleman and One Burr<sup>2</sup> who was Secretary to Col<sup>o</sup> Arnold both came Volunteers from N Jersey, and are much spoken of as to Activity in the battle and great good Courage.

I wish to be able to give you the particulars of the whole battle but Imagine that you will be able to get it sooner through the Gov<sup>r</sup> Hands,<sup>3</sup> as I make no doubt he will have the particulars. I feel very anxious about Sister Lucy.<sup>4</sup> I hope you will be able to tell me that she is better by next Letter. I wish to tell you something about Dorchester but cannot, tho' Expect to be able to, by the first of Feb<sup>r</sup>. I have enclosed you the Strength of Gen<sup>l</sup> Spencers Brigade for your Curiosity. I venture to send it to my friends but should it get into the hands of our Enemies it might be of great damage, by showing our Weakness just at this time. you will see that it is not Exposed. I conclude by subscribing myself your friendly Brother

EBENEZER HUNTINGTON.

P S a Paper came out of Boston last friday I intended to have got it and inclosed it to you but T. Fanning first got it and has inclosed it to Brother Joshua.

#### VIII. TO JABEZ HUNTINGTON.

CAMP AT ROXBURY March 4<sup>th</sup> 76.

Hon<sup>d</sup> Sir

This night our Orders are to take Possession of Dorchester Hill under the Command of Brig<sup>r</sup> Gen<sup>l</sup> Thomas. Two thousand men including proper Officers to Parade at 6 oClock at Dorchester—to be relieved at 3 °Clock to morrow morning by three thousand men including Officers, among which are the Col<sup>o</sup> Maj<sup>r</sup> Chester, Maj<sup>r</sup> Trumbull and myself. we expect a warm Engagement but at the same time think it uncertain as they must know that we shall go very strong and I hope strong enough to Repulse them should they dare to show their heads there. But the God of Battle alone can determine—who is able to save us. You will no doubt hear before this reaches you some flying Report about our taking Possession there. That you may think I am not unmindful about the danger I am going into I can tell you that my Cloaths and Papers are properly secured In case that my maker should in his great good Pleasure so ordain that I should not live to Come off the Hill.

I must beg your Prayers for us in every Difficult time and Pray that we may succeed as we trust that we are fighting the Lords Battle. from Gen<sup>l</sup>

<sup>1</sup> Two aids were killed, Capts. McPherson and Cheeseman.

<sup>2</sup> Timothy Bigelow, Return J. Meigs (afterward postmaster-general), Matthias Ogden and Aaron Burr.

<sup>3</sup> Governor Jonathan Trumbull, whose daughter Faith (d. November 23, 1775) had been the wife of Jedidiah Huntington. See Stuart's *Trumbull*, pp. 194-196.

<sup>4</sup> Lucy Coit, first wife of Andrew Huntington, died May 9, 1776.

Spencers Brigade there are going this night 9 Cap<sup>ts</sup> 27 Subalterns 42 Serg<sup>ts</sup> 42 Corp<sup>s</sup> 708 Rank and file. at 3 °Clock to morrow morning 12 Cap<sup>ts</sup> 36 Subalterns 57 Serg<sup>ts</sup> 57 Corp<sup>s</sup> 863 Rank and file. I had like to have forgot to Acknowledge a Letter rec<sup>d</sup> the night before Brother went from this, the reason was because I was unwell but am better now.

I have no news to write further but remain your ever Dutiful Son

EBENEZER HUNTINGTON

Respects to Mamma. Love to brothers, and Sisters.

IX. TO JABEZ HUNTINGTON.

ROXBURY CAMP 7<sup>th</sup> March 1776

*Hon<sup>d</sup> Parent*

Dorchester Hills are at last taken Possession of by our People<sup>1</sup> who went on in the Even<sup>g</sup> following the 4<sup>th</sup> March in a Party of 2000 men including Proper Officers under the Command of Brigadier Gen<sup>l</sup> Thomas who began two forts, one on each of the high hills, and two small redoubts just as you Pass the neck which Redoubts were built to Play upon the floating Batteries that should attempt to annoy our People Passing the Neck. This Party was reliev<sup>d</sup> at 3 °Clock next morning by a larger Party of 3000 men Including Proper Officers. The Party was increas<sup>d</sup> from 2 to 3000 in Expectation of an Attack as soon as they should discover us, but we were unhappily mistaken—I say unhappily, because I believe it would have Put an End to the War in the N England Colonies, had an Action taken Place. We went on so well Prepar<sup>d</sup> that had they come out with a number suff<sup>t</sup> to withstand us, the town would have been in the hands of our great and brave Gen<sup>l</sup> Putnam in a little time after they had come out.

I wrote you the 4<sup>th</sup> March intended to have sent you p<sup>r</sup> M<sup>r</sup> Hyde but he has not taken it and I now send it p<sup>r</sup> Post.

I should Lengthen the letter but the Post is waiting.

I am your Dutiful Son, EBEN<sup>r</sup> HUNTINGTON

X. TO JABEZ HUNTINGTON.

CAMP AT ROXBURY March 21<sup>st</sup> 76.

*Hon<sup>d</sup> Sir*

Since we have taken Possession of Dorchester hill I have had the pleasure of receiving two letters from you the dates I have forgot and as the letters are both out of my Pocket you will excuse my acknowledging them Otherways.

When Doctor Turner set out from this Place I was in Boston and Could not write to you but desir<sup>d</sup> him to inform you that I wanted a horse to be sent to me immediately as I then expected that the troops would march to N. York very soon and that I should march with them,

<sup>1</sup> Washington to the President of Congress, March 7; Heath, *Memoirs*, pp. 40, 41; diary of Ezekiel Price, in *Mass. Hist. Soc. Proc.*, 1863-1864, p. 240; *Correspondence of Samuel B. Webb*. I. 134, 135.

but since he went away, the Comp<sup>y</sup> which I had the Care of has been fill<sup>d</sup> up and the Captaincy given to Jed<sup>h</sup> Hyde<sup>1</sup> which has so much oblig<sup>d</sup> me and all my friends that this morning By good advice I shall wait on his Excellency to resign my Commission unless something can be done to Satisfaction, tho' at the same time I request a horse to be sent. Last Sunday our troops marched in and took Possession of the town of Boston after the regulars had evacuated it which they did about four o'clock Sunday morning after Plundering every thing they wanted without respect to Persons. they were in so great fear of our following them as they quit- ted the Neck that they had filled up the streets in several Places with Old Casks to stop our Progress and ran of with great Haste and all the signs of fear Possible to be shewn. The town of Boston is not so much de- stroy<sup>d</sup> as I expected tho' it is destroy<sup>d</sup> more at the North and at the south End than any where Else. M<sup>r</sup> Cutlers family are well I have din<sup>d</sup> there breakfasted and drank there in the afternoon.

Maj<sup>r</sup> Chester and myself got Lodgings at M<sup>r</sup> Rowes<sup>2</sup> the first night we enter<sup>d</sup> town and had an Offer of a bed there as long as we Should Chuse to stay in town besides we had an Offer of a bed at two other Places at any time when Convenient for us.

I Expect to be with you before the next week is out and Can give you the particulars of three days adventures in town but at Present shall only Subscribe myself your ever dutiful Son,

EB HUNTINGTON

XI. TO JABEZ HUNTINGTON.

CAMP AT ROXBURY March 24<sup>th</sup> 1776.

Hon<sup>d</sup> Sir

I wrote you p<sup>r</sup> post since which have rec<sup>d</sup> a letter from you p<sup>r</sup> M<sup>r</sup> W<sup>m</sup> Gale and a horse. When I wrote you p<sup>r</sup> Post I inform<sup>d</sup> you I was that day going to Cambridge to resign my Commission which I thought I should do but when I waited on his Excellency he seemed not a little Surprized that I should wait on him with such a request, and Gave me a very severe Reprimand. After a long talk with the Gen<sup>l</sup> he told me that If I could not think better by the time I should wait on him again he would give me a Dismission. Yesterday Brother Jed<sup>h</sup> went to Cambridge and saw the Gen<sup>l</sup> and talked upon the Subject but did not take a Dismission for me but Obtain<sup>d</sup> Liberty of the Gen<sup>l</sup> for himself and me to have a furlough as soon as the fleet should sail out of this Harbour whose motion I now await. as soon as they sail, we shall set out for Nor-

<sup>1</sup> According to the returns printed in Force's *Archives*, Fourth Series, IV. 643, Jedidiah Hyde had been a captain in the 22d Continental regiment since January 1, and Ebenezer Huntington his first lieutenant.

<sup>2</sup> John Rowe, a prominent Boston merchant, whose diary was edited by the late Hon. Edward L. Pierce for the Massachusetts Historical Society; see *Proc.*, Second Series, X. 97, entry for March 18. The house, which stood on the north side of Pond Lane (Bedford Street), was afterwards the home of Prescott the historian; there is a picture of it in the quarto edition of Ticknor's *Life of Prescott*.

<sup>3</sup> Jedidiah Huntington, now colonel of the 17th Continental regiment of infantry.



wich. I expect to take your further Directions about Resignation, tho' am determin<sup>d</sup> for myself never to act as a Subaltern Officer again and Jed Hyde to have a Captaincy.

I am in all Respects Your Dutiful Son,

EBEN<sup>r</sup> HUNTINGTON.

XII. TO JABEZ HUNTINGTON.

N YORK CAMP June 23<sup>d</sup> 1776.

*Hon<sup>d</sup> Sir*

Your favour of the 11<sup>th</sup> Instant I have rec<sup>d</sup> and several others since I left Norwich which I should have answer<sup>d</sup> had I not told my mamma as I left home that I would not write a letter home untill I had the appointment to a Captaincy (unless in a Case of absolute Necessity) which is the only reason.

I have now the pleasure to inform you that there is discover<sup>d</sup> the most Hellish and Diabolical Plott<sup>1</sup> that ever hath been plann<sup>d</sup> since the Powder Plott, that of destroying our Gen<sup>l</sup> Officers and Magazines also the City under the guidance of that Infamous Villain Tryon, and we suppose the Mayor of this City<sup>2</sup> as the Mayor and about thirty others are Confin<sup>d</sup> on Suspicion and Suspicion well founded. they had determined to murder our Gen<sup>l</sup> Officers when a Signal should be given from the Asia, burn the City blow up the Magazines and attempt to destroy the Army, for which Purpose they had bribed some of the army that they might more Easily effect the Purpose but kind heaven it seemed tho' he Suffer<sup>d</sup> them to lay a Plott has interfer<sup>d</sup> in our behalf and Sav<sup>d</sup> us from those designing Children of the Devil who Plotted our destruction. The Gen<sup>l</sup> deeply affected at such a plott has wisely and prudently doubled his Guard in and about the City and ordered patrolling partys to be Patrolling all Night.

Every Precaution which a wise and prudent Gen<sup>l</sup> could take, our Worthy Commander has used.

The Company I now Command is the one that I was in before and Cap<sup>t</sup> Hyde gone into the Company that was Maj<sup>r</sup> Wells. Your Expressions of Fear as to my keeping too much Company, I fear arises from Information as I am Conscientious of doing it formerly, viz on my first Arrival here, but since that have kept but very little. I was Oblig<sup>d</sup> to get Seventy two Dollars of Brother when he was here by reason of being oblig<sup>d</sup> to board out in the City alth'o at a Private house only my board was £13 15 Y Currency for about five Weeks besides I was necessarily put to Considerable other Expen<sup>ce</sup>.

I am very sorry that our Assembly did not see fit to Promote some of our Officers here in the Army, upon several Accounts: in the first Place, as I think they most deserve it, in the Next Place it is following the Example of Pensylvania, who promoted a number of their Officers, who

<sup>1</sup> The Hickey Plot. See *Minutes of the Trial and Examination of Certain Persons* etc. London, 1786.

<sup>2</sup> David Matthews.

were in the Rifle Battalion at Cambridge, and besides those very men who are now in the army, will have men Come from Connecticut higher in Commision than them who could not have got an Ensingency last May is a year ago when some that are here had Captaincys, but I can readily suppose they acted on good Principles.

Maj<sup>r</sup> Trumbull<sup>1</sup> has rec<sup>d</sup> the Appointment of Dep<sup>r</sup> Adj<sup>t</sup> Gen<sup>l</sup>, that is Adj<sup>t</sup> Gen<sup>l</sup> for the Northward and sets out to morrow with Gen<sup>l</sup> Gates for Quebeck or the Northern Army, and I believe has made a vacancy for my worthy Classmate, Peck,<sup>2</sup> Adj<sup>t</sup> of Col<sup>o</sup> Huntingtons Reg<sup>t</sup>, or Else, for Keyes, or Charles Whiting, but rather think that Peck will get it.

This from your dutiful Son

EBEN<sup>r</sup> HUNTINGTON.

XIII. TO ANDREW HUNTINGTON.

CAMP AT N YORK 10<sup>th</sup> August 1776

*Dear Brother*

Yesterday, I wrote you a long letter, and going into the City last Evening, to Col<sup>o</sup> Chesters, I lost it in which I Endeavour<sup>d</sup> to Clear my Character, for not Writing oftener but it seems I was not permitted to send it. I could wish that I had not lost it, as I think that I should have fully Satisfied you, but never mind that says you, if it is material, give the reasons over again, and so I will part of them. Well then—A regiment of Officers to Quarrel with, who were Continually exerting themselves, to Injure me, and my Character. Can you believe that they went to Every Reg<sup>t</sup> on the Ground which is a fact I say and enquir<sup>d</sup> the number of Officers from Norwich, then Petition<sup>d</sup> to the Gen<sup>l</sup> setting forth the Number in s<sup>d</sup> Petition, and most Scandalously abusing my Character, to prevent my Getting a Captaincy. but the Gen<sup>l</sup>, that Justice might be done, desir<sup>d</sup> Gen<sup>l</sup> Green and Lord Sterling to decide the dispute, before which Gentlemen M<sup>r</sup> Champion and myself, set forth our Pretensions, butt the Regiment hearing that the matter was like to be in my fav<sup>r</sup>, drew up another Petition and Presented to the Gentlemen Arbitrators (as soon as we had given our pretensions) unbeknown to me, with every injurious and malicious insinuation against me, that they had ingenuity to invent, setting forth that unless the Captaincy was given to M<sup>r</sup> Champion all the Officers in the Reg<sup>t</sup> would resign their Commissions, which had the Effect I could wish, for the Gentlemen seeing how they interested themselves, took no notice of it, tho' I had wrote an answer as soon as I found out they had Petition<sup>d</sup>, but it was too late as they had determin<sup>d</sup> in my fav<sup>r</sup>, about as soon as they rec<sup>d</sup> the Regimental Petition. After the dispute was settled, I was to receive my Commission but Gen<sup>l</sup> Washington being Oblige[d] to go to Philadelphia I did not receive it till June, all which time I had but very little peace from the Officers; so little that I did not

<sup>1</sup> John Trumbull, the painter. See his *Autobiography*, p. 26.

<sup>2</sup> Trumbull had been brigade-major to General Spencer. His place was filled, July 28, by the promotion of William Peck, Yale 1775, adjutant of the 17th Continental regiment of infantry. Charles Whiting was adjutant of the 22d.

pretend to Walk out, without Sword and Pistols (and well Loaded) as I expected to be Insulted, which had it been the Case, I should have done that which might have given my friends uneasiness, for I was almost as a desperado, but matters are now easy, and I believe I am in a fair way to live unmolested.

Night before last about 1 °Clock all the Regiments in the Lines were order<sup>d</sup> out under Arms, to receive orders to lye on their Arms, as the Ships of War in the Edge of the Evening had all hauld without the Transports and they (the Transports) had orders to be Clean ready to receive the troops on board who are now on Staten Island.<sup>1</sup> We Expect an Attack Every high Water, and have the Strictest orders to the Officers and Soldiers not to be absent from Camp without Leave from the Col<sup>l</sup>. I am, after giving love and Compliments to friends and Acquaintance,

Your Friendly Brother

EBEN<sup>r</sup> HUNTINGTON.

XIV. TO JABEZ HUNTINGTON.

CAMP AT N. YORK 5<sup>th</sup> Sept<sup>r</sup> 1776

*Hon<sup>d</sup> Sir*

Three days since I wrote a Letter for you and not knowing any immediate Conveyance I forwarded it to Kingsbridge desiring it might be forwarded p<sup>r</sup> the first Opportunity. This will be forwarded as far as Colchester p<sup>r</sup> M<sup>r</sup> Norton who rides (as Camp Post) from that Place. . I believe it may be relied on that those who are missing<sup>2</sup> from Col<sup>l</sup> Huntington's Reg<sup>t</sup> are 1 L<sup>t</sup> Col<sup>l</sup>, 6 Cap<sup>ts</sup> 6 L<sup>ts</sup> 6 Ens<sup>es</sup> 1 Adj<sup>t</sup> 21 Serg<sup>ts</sup> and 100 Rank and file 2 Drums and fifes. the L<sup>t</sup> Col<sup>l</sup><sup>3</sup> Cap<sup>t</sup> Brewster and Cap<sup>t</sup> Bissell we have intelligence from who are Prisoners and Maj<sup>r</sup> Wells of Col<sup>l</sup> Wyllys's Reg<sup>t</sup> Col<sup>l</sup> Clark and Maj<sup>r</sup> Wells have wrote p<sup>r</sup> flag. Every thing is at this time in a Critical situation but we hope we are able to maintain our Present Post.

On the Even<sup>g</sup> following the 2<sup>d</sup> Instant at 11 °Clock a Ship of War went up the East River and Came to an Anchor against Turtle Bay where we had about 33 Hundred Bb<sup>l</sup> flour Stored. Our People removed all the flour that Night and Next Morning paid her a handsome Salute from two twelve Pounders which were drawn down to the Edge of the River about Day Break. they Hulled her thirteen times which was so disagreeable to her that she Slipped her Cable and Pushed up behind Blackwells Island (an Island which Extends from Hellgate towards N York about three Miles) Just as she Came to Anchor our People had the Good Fortune to heave an Eight Inch Howit through her Side which burst in her Hole. Tho' her Hull was Secured from the Shott from our Cannon Her Riggins

<sup>1</sup> The passage did not in fact take place till August 22.

<sup>2</sup> As a result of the battle of Long Island, August 27. The return for the 17th Regiment, printed in Force's *Archives*, Fifth Series, III. 717, gives 63 more of the rank and file as missing, but otherwise agrees with the statement made above.

<sup>3</sup> Joel Clark.



and Yards were not and this Morning finding that She Could not lye safe at her Station has fell down towards N York about a Mile, against a Spot of Marshy land in hopes we could not molest her. but I am in hopes we shall be Able to do it. Maj<sup>r</sup> Crane of the Artillery is Endeavouring to get some Artillery plac<sup>d</sup> so as to reach her.<sup>1</sup>

Doct<sup>r</sup> Turner arrived here Yesterday and Doct<sup>r</sup> Lee. Our friends are as well as usual. Poor Militia! they desert, Numbers of them, being very uneasy, their reasons no doubt you will have, as we are in hopes they will not go unask<sup>d</sup> and unpunish<sup>d</sup>. We hear that Gen<sup>l</sup> Lee is on his March and is to be at Elizabethtown this Night (but not from Head Quarters). Col<sup>o</sup> Sam<sup>l</sup> B. Webb Ad Cong to his Excellency is so unwell as to be Oblig<sup>d</sup> to Ride in to the Country.

I am in Health Dear Parent Your

Dutiful Son

EB<sup>r</sup> HUNTINGTON.

P S Since I wrote the above I have got the other letter I wrote you 3 days ago and now inclose it.

XV. TO JABEZ HUNTINGTON.

CAMP AT WEST CHESTER, 6<sup>th</sup> Octo<sup>r</sup> 1776

*Hon<sup>d</sup> and dear Sir*

Several of yours have come to hand since which I have not wrote before this, the date of my last I am not able to mention. One of Yours p<sup>r</sup> Cap<sup>t</sup> Perkins, one p<sup>r</sup> Erastus, and one p<sup>r</sup> M<sup>r</sup> John Leffingwell I have rec<sup>d</sup>. the others (if any have come) I do not recollect.

The Resolves of Congress relative to raising of 88 battalions, you have undoubtedly paid attention to before this time.<sup>2</sup> As the matter is to be under the direction of the Assembly, I hope they will be inform<sup>d</sup> as to the Characters of some Particular Officers. Among the Officers, that will be Provided for, I hope that Robert Warner 1<sup>st</sup> L<sup>t</sup>, Elias Stillwell 2<sup>d</sup> Lieut, Jon<sup>th</sup> Hart 2<sup>d</sup> Lieut, Sam<sup>l</sup> Richards Ensign, and Thomas Hender Ensign, will meet with good Success. several others of my Acquaintance in the Army I might with Propriety mention, but as It would make the matter tedious, I would not do it. I hope, Should I have the Offer of a Captaincy (and nothing better) that I might have the Good Luck to have Warner, Stillwell or Hart and Ensign Richards in my Company.

I have wrote a line to Esq<sup>r</sup> Benj<sup>n</sup> Huntington<sup>3</sup> and inclosed it unseal<sup>d</sup> hope you will deliver it if it meets with your Approbation. I am dear and Hon<sup>d</sup> Sir your dutiful Son

EBEN HUNTINGTON

<sup>1</sup> See Washington's *Writings*, ed. Sparks, IV. 74.

<sup>2</sup> See *Journals of Congress*, September 16, 1776. These resolves left the appointment of officers, general officers excepted, to the several states.

<sup>3</sup> A member of the Connecticut Council of Safety.

## XVI. TO ANDREW HUNTINGTON.

CAMP AT WESTCHESTER 11<sup>th</sup> October 1776*Dear Brother.*

Whether it is through your Negligence, or mine, that so few Letters pass between us, I will not say, but this I can say, that, If it is mine, it has happen<sup>d</sup> by reason of duty, in paying attention to the Reg<sup>t</sup> as you will readily Imagine, there being not but Nine Officers of my Rank, in the Whole Brigade to do duty. Eleven days of the Nineteen last past I have been on Guard, and not a Letter of yours for a Comforter

I hope that you will be so good, as to write p<sup>r</sup> Every Opportunity, and I can Assure you I will Endeavour, that no Opportunity shall Escape me. The Phoenix and two other Ships of War, have Passed our Chevaux de Frize and gone up the North River, and have taken two of our Row Gallies,<sup>1</sup> Fisher in the Crane, and Baker in the Indepen[den]ce are the Gallies that have fell into their hands besides some small Craft. the Ships with their Prizes now lie against Tarry Town, in Toppon Bay, about 10 Miles above Kingsbridge. Two Ships yesterday Came to Anchor in Harlem River, nigh the Ship, that has been there some time since. When the Ships went up the River on Wednesday there was as Brisk Firing of Cannon as need be, but never a Man hurt as I have yet hear<sup>d</sup> of. I am dear Sir your Friendly Brother

EB HUNTINGTON.

## XVII. TO JABEZ HUNTINGTON.

PEEKS KILL 25<sup>th</sup> Nov<sup>r</sup> 1776*Hon<sup>d</sup> Sir*

This comes p<sup>r</sup> M<sup>r</sup> Grover, who can better tell you News from this Post than myself. The Anxiety I am in for the raising of a new Army is not small but to parents I think I have an undoubted right to write freely. the present appearance is very Gloomy, the British troops making head wherever they attempt, our people instead of behaving like brave men, behave like Rascalls, and to add to that, it seems that the British Troops had gone into the Jersies, only to receive the Submission of the whole Country. People Join them almost in Captains Companies to take the oath of allegiance. besides those of the Militia who have been sent for our Assistance, leave us the minute their times are out and would not stay tho' their eternal Salvation was to be forfeited if they went home; The Perswasion of a Cicero would not any more Effect their tarry than the Niagara falls would the Kindling of a Fire. besides the slow Progress of a new army, seems as though the few that remain till the first of January, are to fall a Sacrifice to the British Savages. Dear Father, no Man unless on the Spott can have a tolerable Idea of it. Our Stores lost without an Exchange of a Shott. A Hell itself could not furnish worse beings than Subsist in the world where our army are now posted. I am dear Sir in Great fear for our Political Salvation while I subscribe myself your Dutiful Son

EBEN<sup>r</sup> HUNTINGTON.<sup>1</sup> Heath's *Memoirs*, pp. 68, 69.

## XVIII. TO JABEZ HUNTINGTON.

PEEKS KILL 2<sup>d</sup> Dec<sup>r</sup>, 1776*Dear Father*

As the Gen<sup>l</sup> has this day order<sup>d</sup> an Express to the Gov. I thought it my duty to inform you that I am well. as to acknowledging the receipt of your favours, it is not in my Power for I do not receive any. two days ago I forwarded some letters from Col<sup>o</sup> Huntington to Col<sup>o</sup> Trumbull to be forwarded. hope you will receive them by the time this reaches you.

Gen<sup>l</sup> Lee and Sullivan with their Division are this day Crossing the Ferry nigh this Place going to the Jersies.<sup>1</sup> Col<sup>o</sup> Chester is with them and very well. Brother Joshua was well Yesterday. About twenty Reg<sup>ts</sup> from the Northward who were dismissed were Returning and hearing our Situation in the Jersies, were by Order of Gen<sup>l</sup> Gates Embodied, and are marching to Join Gen<sup>l</sup> Washington ; by this time we have reason to believe, are Join<sup>d</sup>, Gen<sup>l</sup> Gates, and Arnold at their head. Rogers who Commanded the Rangers in the british Service is Disgraced.<sup>2</sup>

A flag which went in two days ago to the Enemy were (by being Oblig<sup>d</sup> to wait an answer) Spectators of a Scene which is pleasing. The Persons who went in with the flag were sitting in Company with a Col<sup>o</sup> M<sup>c</sup>Donald and some other Officers and in comes Rogers, with his hatt on, says, how do you do Gentlemen (meaning our flag of truce) but no reply was made, except by Col M<sup>c</sup>Donald, who says, you Dam<sup>d</sup> Rascal, why do you Presume to wear your hatt, among Gentlemen. if you are not out of the Room immediately I will kick you out, accordingly he went out. Col<sup>o</sup> M<sup>c</sup>Donald followed him and not shutting the door after them Col<sup>o</sup> M<sup>c</sup>Donald was hear<sup>d</sup> to say, that you are an Insolent Rascal and if you Ever come into Gentlemans Company again, Where I am, I will Cane You as long as I can feel You. Rogers's Reg<sup>t</sup> is taken from him and given to another Officer.<sup>3</sup>

I am dear Sir Your Dutiful Son

EB. HUNTINGTON.

## XIX. TO JABEZ HUNTINGTON.

PEEKS KILL 3d December 1776

*Dear Father*

Yesterday I wrote you p<sup>r</sup> Express which was going to the Governour, since which nothing material has turn<sup>d</sup> up. The Divisions under the Command of Gen<sup>l</sup> Lee and Sullivan, which were at this place when I wrote you before, have not Entirely passed the Ferry. Chester Passed Yesterday. M<sup>r</sup> Carpenter is now at this place. he left Col<sup>o</sup> Huntington

<sup>1</sup> Heath to Washington, December 2. Force's *Archives*, Fifth Series, III. 1041.

<sup>2</sup> The celebrated Robert Rogers, who had broken his parole and accepted the command of the "Queen's Rangers." Washington's *Writings*, ed. Sparks, IV. 521. See also Trumbull to Cooke, Force, Fifth Series, III. 1077.

<sup>3</sup> It was not until the autumn of 1777 that the command of the "Queen's Rangers" was given to Simcoe.



Yesterday at his Station.<sup>1</sup> he was hearty and well. The slow progress of enlisting men makes me feel Anxious for the 1<sup>st</sup> of January, for sad Experience teaches me that Troops will not tarry after the time of Enlistment expires, tho' death stares them in the Face returning to their Homes. I am Informed that Maj<sup>r</sup> Wells who was taken prisoner at Long Island,<sup>2</sup> came Yesterday to Gen<sup>l</sup> Spencer's Quarters at White Plains on Parole. what news he brings out do not Learn. I am dear Sir Your Dutiful Son

EB. HUNTINGTON.

XX. TO JABEZ HUNTINGTON.

PARARMUS 19<sup>th</sup> Dec<sup>r</sup> 1776

*Hon<sup>d</sup> Sir*

I have the pleasure to inform you that last sunday We had the Satisfaction of Marching into Hackinsack, in which Place we found many Arms &C and warlike stores a few. Rum, sugars, and a Great plenty of Wine. about 60 disaffected persons were taken up in a few hours, but the Gen<sup>l</sup> finding so great a number of these People, that it would take all his division to guard them, we took about 8 Prisoners of War in and about that Place.<sup>3</sup>

The Brave Gen<sup>l</sup> Lee was made Prisoner about Six days since by a Party of the Enemies light Horse (on his march to Join Gen Washington) about 70 Miles in the Rear of his Division. There has been several Skirmishes If we may believe Report between some Militia Reg<sup>ts</sup> and the Regulars one Skirmish Certain, not very unfavourable to the Militia. the Militia took a large drove of Cattle and Sheep from the Regulars, 317 Sheep and the Rest were Cattle they had Collected for the use of their Army. Last Night we had intelligence that the Enemy were marching to Hackinsack from New York, and had got to a bridge within about 5 Mile of Hackinsack, called Acquaconack Bridge. We have no reason to doubt the truth of it, and without doubt I may be able in my next to give you some account of an Action between the Division of Gen<sup>l</sup> Heath and their party under Col<sup>o</sup> Leslie.<sup>4</sup>

I had like to have forgot to acknowledge the Receipt of two of your fav<sup>rs</sup> of the 8<sup>th</sup> and 11<sup>th</sup> instant, am very sorry that you could not have fav<sup>d</sup> me with news that the Enemy had landed at Newport and that they were dislodged by the Militia. Our troops or rather the troops under Gen<sup>l</sup> Heath have this day been Reinforced by about 1200 Militia under the Command of Gen<sup>l</sup> George Clinton one of the best of Men. Gen<sup>l</sup> Washingtons Army lye on the other side of the Delaware but his head Quarters 12 Miles beyond at Bristol. Do not let the Matter about Gen<sup>l</sup>

<sup>1</sup> Col. Jedidiah Huntington was at this time encamped at Ramapo in Orange County, Force, III. 1039, 1072.

<sup>2</sup> Major Levi Wells of the 22d Continental infantry.

<sup>3</sup> See Heath's *Memoirs*, pp. 99, 100, and Heath to Washington, December 15, in Force, III. 1234.

<sup>4</sup> Heath, p. 102.

Lee be mention<sup>d</sup> as from me unless you have hear<sup>d</sup> it some other way, as it will rather discourage the Country than otherwise. Col<sup>o</sup> Huntington is well at this Place where we live happily. Good Living and in the best Country in the World.

Tell Mamma that I have two Pounds of good green tea which I will send her p<sup>r</sup> first Opportunity. Compliments to all friends while I subscribe myself your Dutiful Son

EB HUNTINGTON

XXI. TO ANDREW HUNTINGTON.

WETHERSFIELD 27<sup>th</sup> April 1777

*Dear Brother*

Col<sup>o</sup> Huntington informs me that the present week is the time fixed on for you to be married.<sup>1</sup> I am sorry to inform you that the Prospect of my being with you at that time is small, by reason of my Col<sup>o</sup> being absent, and of Course much business is on my hands which requires attention to, yet not despairing of my paying one Nights Visit at Norwich this Week. Should I be disapointed of seeing a brother (whose affections I ever had the good fortune to share) engage under the Sacred Bands of marriage it will not in the least diminish my Affections for him or his dear Partner, but tho' absent and not the Pleasure but of a small acquaintance with the Person engaged to, yet that small acquaintance very agreeable, I shall wish them to enjoy every Happiness this world affords. I wish she may prove a kind and Affectionate Mother to the tender Offspring of a former and most agreeable Parent (of which I do nor will not, entertain the least doubt) and a Partner to you whom you will ever love, and in whose Company you will ever be happy. had you never known the happiness of a Married State I as a Brother might have said many things to you, which now would be very improper.

Was I not engaged in the Military line a few weeks would let me know the happiness attending the Married state, which I doubt not is great as I think the Satisfaction of unbosoming oneself to a Partner who could and would share the Good and ill Fortune attending us in this world is far beyond what a Single Life affords or can do. after wishing Miss Phelps and Yourself Happiness I subscribe myself your Friendly Brother

EB HUNTINGTON

XXII. TO ANDREW HUNTINGTON.

KING STREET 9<sup>th</sup> November 1777.

*Dear Brother*

I wrote you the 2<sup>d</sup> of this Month from Fish Kills, and would have acknowledged the Rec<sup>t</sup> of your last, did I not believe I had done it 3 Weeks ago. It would be Conferring a great favour on me if you

<sup>1</sup>Andrew Huntington was married on May 1, 1777, to his second wife, Hannah Phelps, of Stonington.

would as often as once a Week give me the Domestick News, and not neglect me because you dont receive my letters. you shall not have reason to blame me for Neglect, for I assure you I will write (as I ever have done) p<sup>r</sup> every Opportunity If time can be got. In one of my former letters, I beg<sup>d</sup> the favour of you to desire Col<sup>o</sup> Abbott to make me a Pair of Elegant Leather Breeches (White) and don't recollect you have ever acknowledged the Receipt of the same. I wish that the Breeches might be Procured, let the price be what it will, it matters not. I wish to hear what becomes of the Privateer whether you have hear<sup>d</sup> from her, since she left Boston, as You in your last favour inform<sup>d</sup> me, that she was Repair<sup>d</sup> and would soon leave Boston for a Cruize. Hath any Prise ever arriv<sup>d</sup> that she hath taken? What is the Value? Should there arrive any Articles in any of the Prizes, which we want in the Army, wish you to procure them for the Use of this Regiment. Although I expect to leave this Regiment and the Army, before the Opening of another Years Campaign, still I have a desire to procure every article which the Reg<sup>t</sup> may stand in Need of. I wish you to present my love to Sister H, and the rest of the Good people, whom I am determin<sup>d</sup> to pay a Visit to in the Course of this Winter. I am dear Brother, Yours Affectionately

EBEN<sup>r</sup> HUNTINGTON.

Deserters say that the Inhabitants in N York are putting their Effects on board Ship (very uncertain). Rivington has publish<sup>d</sup> Burgoynes Capitulation at Large and not a Comment on them, in his Paper Acknowledges the Destruction of two ships at the Chevaux de frize one a 64 the other I forget.<sup>1</sup>

Since friend Leonard hath been at the Northward, he hath fought a Duel, no person hurt on either side.

XXIII. TO ANDREW HUNTINGTON.

CAMP WARREN 21<sup>st</sup> Sept<sup>r</sup> 1778.

*My Dear Brother*

Your favour of the 12<sup>th</sup> instant was handed me this day, indors<sup>d</sup> on the back as forwarded by two Diff<sup>r</sup> Gentleman, one at Pomphrett, and the other a Cap<sup>t</sup> Wallace at Providence, by which you may Judge, how direct Letters Come to me. this is the first I have rec<sup>d</sup> from you, notwithstanding that, had it been in my power to have wrote you, I would have done it with the Utmost pleasure. As to the particulars on the Island, I was (for want of time when Opportunity Offered) Oblige[d] to Refer my Father to a letter of Col<sup>o</sup> Trumbulls to the Governour,<sup>2</sup> without giving him any of the particulars, which I could have wished to have done. As to the Bills you gave me, against M<sup>r</sup> Whittlesey, I have Collected them and will inclose you the Money, the first Opportunity. I am very glad to hear so much Credit given the Militia for the Readiness

<sup>1</sup> The *Augusta*, 64, and the *Merlin*, 18, destroyed October 23, 1777, after the fight at Red Bank. Sparks, V. 113.

<sup>2</sup> See the *Autobiography* of John Trumbull, pp. 51-57.



they shew to prevent the Landing of the Enemy at N London (or rather I am *happy* to think they deserve it). I have hear<sup>d</sup> that Father took his Head Quarters at M<sup>r</sup> Shaws. It would have Afforded me much Satisfaction to have been in his family, on such an Occasion. I am very happy to hear that the Reports which have been Circulated, of the Action of the 29<sup>th</sup> of last Month<sup>1</sup> have been to the Advantage of the Reg<sup>t</sup>, but it affords me equal pleasure, to hear that my Conduct on that Day was as Satisfactory to my friends. I Cannot but Blend the Credit of the Reg<sup>t</sup>, and my own, if any due me, together, as the Command of the Reg<sup>t</sup> during and Just before the Action, Devolved on me, (with two field Pieces of Artillery, and about forty men of Col<sup>o</sup> Jacksons Reg<sup>t</sup>, who had been detach<sup>d</sup> in the early part of the day, as a Covering party to them) as Col<sup>o</sup> Livingston<sup>2</sup> had left the Reg<sup>t</sup> and rode over to the Left, to see how the Action went on, and in his Absence, rec<sup>d</sup> a Slight Wound, by which Means he did not join the Reg<sup>t</sup> till the Action was over, which lasted very heavy about Nine Minutes at about fifteen Rods Distance; the rest of the time was rather at Long Shott than Otherwise. It was rather an injury to the troops, who were not Engaged, as they shewed themselves desirous of a share in the Glory, and would have done honour to themselves had they had an Opportunity. The troops universally behav<sup>d</sup> well, as far as I could make my Observations.

As to Burning Bedford,<sup>3</sup> it appears to me one of the most Wanton Acts of Cruelty they have been Guilty of, as they met with not the least opposition, Tho' they are Capable of doing anything that the Devil Can Suggest. It is my wish, that should the fortune of War heave that Rascal, Gray, into our hands, that he should be burnt alive, in a Manner agreeable to the Indian Custom. I wish you would give me a little Account of Leonardus, as I hear his Movements have been rather Eccentric, than Otherwise. Domestick News, if any at all, as it affords me much Pleasure to hear anything in the Domestick way. I expect to set out for Boston to Morrow, or Next Day, to obtain Cloathing for the Reg<sup>t</sup> if so, I shall be absent about Six Days, a disagreeable Piece of Business, as I must necessarily Expend much Money in doing the Business for the Reg<sup>t</sup>, which will be lost, besides the trouble of following the Clothiers, whom I look upon to have been one of the Greatest Set of Rascals, the Publick have paid, tho' I flatter myself they are now much better since Congress have discharged the Head (*M<sup>r</sup> Mease*)<sup>4</sup> whom I look upon as a great Rascal. I have lengthened my Letter to such a Degree that you will be Impatient, tho' I should have gone further had not business intervened to prevent it.

<sup>1</sup> Battle of Rhode Island.

<sup>2</sup> Lieutenant-Colonel William S. Livingston, commanding the regiment during Colonel Webb's continued detention as a prisoner.

<sup>3</sup> New Bedford, Mass., burned September 6 by Major-General Charles Grey, afterward the first Earl Grey.

<sup>4</sup> An error. James Mease, clothier-general, offered his resignation by letter of September 19; but Congress on the 21st deferred consideration of it. *Journals*, III. 64.

Give my Respects to the Good General and his Lady, and Affectionate Remembrances to the Circle, and believe me

Your truly Affectionate Brother

EB HUNTINGTON

XXIV. TO JABEZ HUNTINGTON.

*Hon<sup>d</sup> Sir*

QUARTERS WARREN 21<sup>st</sup> Dec<sup>r</sup> 1778

For what reason I have so long Neglected to write to you, I know not. I now think it high time, and to inform you that we (the Connecticut Officers at this post) wait most Anxiously to know, what you will do, in your next Session. For your Conduct, in some measure, will Regulate ours. if you do any thing Spiritedly, we may Remain in Service, but if you do not, I believe the Greater part of Col<sup>o</sup> Webbs Reg<sup>t</sup> will resign, and I don't know but two thirds of them.

The People of Connecticut when at this Post, tell us, the Army must be made good, and the Country are all of that Opinion, and yet do nothing. If you mean to do anything, do it soon. Convince us you have not forgot us, which we have some reason to believe. Almost two Years have Passed, when we have been buoyed up with Promises at Loose Ends, ( by the people in General). if you intend to feed us any Longer with Promises, you must at Least, have some formality in passing them. Procrastination is Dangerous, and more so at this time than Usual, we doubt the Willingness of our Countrymen to assist us. You cannot blame us. Our Money gone, our friends few, or none who will Lend money. Indeed we think hard that our Wages are not made at least so good as to Support us. The bare Idea of Fifty Dollars p<sup>r</sup> Month is nothing, and my Wages is no More, it will Scarcely support me a Week, in addition to the Ration I draw. Notwithstanding the Money is so much Depreciated, almost everyone is lending a helping hand, while the Loss falls almost Entirely on the Army, who serve at fixt Wages, and who ought not to suffer in the Least by the Depreciation of the Currency. You Resolved in your Last Sessions,<sup>1</sup> that the Soldiers family should be Supplied, whether they sent Money or not, but it is not done, nor will it be done. Not a Day Passes my head, but some Soldier with Tears in his Eyes, hands me a letter to read from his Wife Painting forth the Distresses of his family in such strains as these, "I am without bread, and Cannot get any, the Committee will not Supply me, my Children will Starve, or if they do not, they must freeze, we have no wood, neither Can we get any. *Pray Come home.*" These Applications Affect me, my Ears *are not*, neither *shall* they be shutt to such Complaints. they are Injurious, they wound my feelings, and while I have Tongue or Pen I will busy myself to stir up my Countrymen to act like *men*, who have all at Stake, and not think to enrich themselves, by the Distresses of their brave Countrymen, in the Field. It hath been Practiz<sup>d</sup> too long. Dont drive us to Despair, we are now on the Brink. De-

<sup>1</sup> See *Public Records of the State of Connecticut*, II. 134, 135.

pend upon it we cannot put up with such treatment any Longer. Spare yourselves, by Rewarding the brave.

Your Affectionate Son

E HUNTINGTON

xxv. To JOSHUA HUNTINGTON.

*Dear Brother*

TIVERTON 3<sup>d</sup> May 1779

Your favour p<sup>r</sup> Serg<sup>t</sup> Williams came safe to hand, as did Seven of the Eight Hams mention<sup>d</sup> to be sent Cap<sup>t</sup> Waterman and the bundle of Cloth; I have Settled the matter with Comm<sup>r</sup> Southwick, and shall Inclose you his receipt p<sup>r</sup> next Opportunity in fav<sup>r</sup> of M<sup>r</sup> Fanning.

I am not much disappointed in hearing of the Fate of our Privateer Trumbull, as it is my hard fate to be Unlucky in Privateering. It shall not give me a moments uneasiness, as I am in a fair way of making a fortune, If I only can Continue in the Army two Years longer, as I receive Eighty dollars in Wages and Subsistance, Monthly, and since at this post have spent it weekly. We have been without bread or Rice more than five days out of seven, for these three Weeks past, and the Prospect remains as fair as it hath been. Excuse me in giving you a list of Prices, or Account Courant. Potatoes 24 Dollars p<sup>r</sup> Bushel, Eggs 18<sup>s</sup>/ p<sup>r</sup> Doz<sup>n</sup>, Veal 5<sup>s</sup>/ p<sup>r</sup> lb, and that to be bought but Seldom, Butter 18<sup>s</sup>/ p<sup>r</sup> lb and that more Seldom than Veal. Oysters nor fish to be Purchased at Present, nor have been for this fortnight past. Rum 2 Dollars p<sup>r</sup> Jill. The Provisions we draw hath been Chiefly Salt Beef, and that alone without bread or Potatoes is tedious. It appears to me that unless the Army is better Supplied, you had better disband them now, rather than fill the Regiments. I have been as unwilling to hear trifling Complaints as any person, but had my feelings been harden<sup>d</sup> with Steel, they would have been soften<sup>d</sup>, by the too Just and Repeated Complaints of those who seldom Murmur. If the Fault lies at the door of any Individual, deliver him to us for a Sacrifice, as it would be more acceptable to us, if we must be starved, first to imbrue our hands in the Blood of him who brought us to it. If it is the Depreciation of the Money you are all alike Guilty, and ought to be Slaves to all Eternity to those who dare Contend for freedom. Notwithstanding the Currency is as bad or worse than nothing, the Whole department are in Arrears for Six Months and one Brigade for Seven. Hitherto the Regiment have been kept together but I dare not be answerable till tomorrow Morn<sup>g</sup>.

This whole part of the Country are Starving for want of bread. they have been drove to the necessity of Grinding Flaxseed and oats together for bread. Is it not Possible for the State to do something else besides Promises. Promises can not feed or Clothe a Man always, Performance is sometimes necessary to make a man believe you intend to Perform. Let us await if Possible the Event of the next Session, and Possibly Hatters and Wire drawers Can effect what wise men Cannot.

Your affectionate Brother,

E. HUNTINGTON.



I got into such a Passion that I Closed my letter before I thought of it. —I wish to know about a Horse, can you get me one at any price, nothing less than 1500 Dollars will purchase one fit to ride in this part of the World. The Evening of the 2<sup>d</sup> Instant Eight of the Enemies Boats attempted to land about Six Miles up Taunton River, but were discover<sup>d</sup> on which they pushed off and Returned. Nothing further worth mentioning. Love to the Circle. Yours Sincerely

EB.

## XXVI. TO ANDREW HUNTINGTON.

MORRIS TOWN 8<sup>th</sup> Feb<sup>r</sup> 1780*Dear Sir*

Your favors of the 4<sup>th</sup> and 10<sup>th</sup> Ult<sup>a</sup> came safe to hand, tho rec<sup>d</sup> only three days since. at the time I rec<sup>d</sup> them I was on the lines, but have since been reliev<sup>d</sup>.

As I have been on duty so much for four Weeks past, I have not been able to get my Hutt Compleated but am now paying my utmost attention to it and am in hopes to get it Compleated by the first of next Month, if the Weather is favorable.<sup>1</sup> at present I have taken Quarters in one of the Officers Hutts, where I expect to remain till my own is so far finish<sup>d</sup> as to move into it. I observe that in your letter you mention about being Continued in the 3<sup>d</sup> Class of the Lottery. I wish it by all means, beg you would pay attention to it for me.

I have not been able to hear a line from my good father since I left Norwich, and as I left him much unwell am very Anxious, he used to write me and as I have rec<sup>d</sup> no line from him have Supposed that his Indisposition is greater than when I left him. I wish you would write to me particularly about him. We have nothing new in this part of the World. as to the Excursion the Enemy made at Elizabethtown, you must have had the Particulars in the Newspapers, as it hath been Published and very Exactly. Congress are now deliberating about the Reduction of some of the Reg<sup>ts</sup>. what Reg<sup>ts</sup> or what number will be reduc<sup>d</sup>, I know not but suppose and wish the Greater part, as I think it very unnecessary and Expensive to keep so great a Number of Officers in Service and so few Men. Possibly I shall be one of the Number, wish it may be the Case, as I think it would be very agreeable to live at Ease, and Quietness, once more (free from the Noise and Din of Arms) and restore an Injured Constitution, too much worn in the Service of an Ungrateful Country. I think this Winter must have been a very agreeable one with you; Horses in plenty and good Sleighing, a happy Circle, plenty of the Necessaries and Comforts of life, and so free from Business as to have nothing Interfere with your Pleasures, except the Ill health of our good father should damp them.

You ask me what Number of Troops have gone from N York, who Commanded them and where bound. The Number is uncertain, Sir Henry

<sup>1</sup> Cf. Ebenezer Huntington's letters of January 22 and February 16 in the *Correspondence of Samuel B. Webb*, II. 242, 247.

is gone in Person, and I believe without any doubt bound to the Southward.<sup>1</sup>

I wish my love and Respects to those with you and to whom due.

I am dear Brother

Yours Affectionately,

EBEN<sup>r</sup> HUNTINGTON

XXVII. To—————

MOUNT PLEASANT, HUTTS 11<sup>th</sup> May 1780

*Dear Sir*

By a letter from Mamma rec<sup>d</sup> some days since I find that you suppose me indebted to you for several letters, I may be for letters wrote but not for letters rec<sup>d</sup>. I have rec<sup>d</sup> but few letters from my friends since I left Connecticut and a *very few of them* from Norwich. I understand by a line from Brother Jed<sup>h</sup> that his Waggon is to move towards Camp as soon as the Grass hath grown suff<sup>t</sup> to subsist the Horses. I wish it may be soon, as I expect some stores in it. With an Expectation that I may have an Opportunity of getting a Hatt when made, I wish you to get me an Elegant beaver one made, by Kinsman or such other person as you may think proper, I wish it *very large and well made*, the Size of the Crown is rather smaller than Brother Joshuas, more than Commonly deep, and not Cock<sup>d</sup>, that part I will do myself. I wish it may be done by the 1st of June. I am not entirely without Expectation of a Visit into Connecticut, if I should do it I shall spare a day for my Norwich friends.

Col<sup>o</sup> Grovornor waiting Obliges me to Close by saying that I am dear Sir

Yours Sincerely,

EBEN<sup>r</sup> HUNTINGTON

XXVIII. TO ANDREW HUNTINGTON.

BUSH HUTTS N. Jersey, 4 Miles from

Posaick falls, July 7<sup>th</sup> 1780

*Dear Sir*

I must Acknowledge some letters from my Norwich friends, among which one from you, which should have been acknowledg<sup>d</sup> before this, but our very rascally Situation will not admit of any Conveniency for writing, this I write on my knee. We took the field the 7<sup>th</sup> of last Month, not from Inclination but from Necessity, as the Enemy moved so near our Hutts as Oblig<sup>d</sup> us to send our Baggage into the Rear, and for want of tents, and teams to Carry them, we have lain in the Woods without any Covering but what the Almighty gives the Brute Creation to which State we verge fast. Our whole Army when Collected amounted to about 2/3<sup>ds</sup> of the force of the Enemy. When the Enemy first landed and advanced they were much harras<sup>d</sup> by the Militia, which or some other

<sup>1</sup> The allusion is to Sir Henry Clinton's expedition against Charleston.

reason induced the Enemy to burn wherever they went. after lying in N Jersey some time they Manoeuvred as tho' they intended a move up the N River, in Consequence of which his Excellency march<sup>d</sup> toward W Point, with 5 Brigades, leaving behind Maxwells and Starks Brigades. the 23<sup>d</sup> the Enemy movd from Elizabethtown (to which Place they had Previously retir<sup>d</sup>.) towards Springfield where our troops lay except Parties advanc<sup>d</sup>, our People fought them as they advanc<sup>d</sup>, but when they had got to Springfield they endeavour<sup>d</sup> to turn our left flank at the same time pushing a heavy Column towards our Centre. our troops Repuls<sup>d</sup> them on the left, tho' the Enemy gain<sup>d</sup> the Pass in the Centre after about 40 Minutes very heavy firing. Col<sup>o</sup> Angells Reg<sup>t</sup> with some small detachments from the line fought their main force during the 40 minutes. Col<sup>o</sup> Angells Reg<sup>t</sup> lost 41 killed and Wounded out of about 160, Officers Included. the Enemy suffer<sup>d</sup> much by their own accounts. our troops behav<sup>d</sup> well and receiv<sup>d</sup> the thanks of Gen<sup>l</sup> Green, and the Commander in Chief. about 3 o'Clock P M they retir<sup>d</sup>, our people harassing their Rear, untill they had got within their lines which they had hove up on Elizabeth town Point. the night following they Retreated to Staten Island, and the 25<sup>th</sup> we began our March to join the Main Army which lay at Ramapough, except the Connecticut line which had moved on to W Point. We lie in the Woods as dated in the beginning of the letter, hoping to be able to have tents in a few days. The Rascally Stupidity which now prevails in the Country at large is beyond all description. they Patiently see our Illustrious Commander at the Head of 2,500 or 3,000 Ragged, tho' Virtuous and good Men, be oblig<sup>d</sup> to put up with what no troops ever did before. Why don't you Reinforce your Army, feed them Clothe and pay them, why do you Suffer the Enemy to have a foot hold on the Continent? You Can prevent it, send your Men to the field, believe you are Americans, not suffer yourselves to be dup<sup>d</sup> into the thought that the french will relieve you and fight your Battles, it is your own Supineness that Induc<sup>d</sup> Congress to ask foreign Aid, it is a Reflection too much for a Soldier. You dont deserve to be freemen unless you can obtain it yourselves. when they arrive they will not put up with such treatment as your Army have done they will not serve Week after Week, without Meat without Cloathing, and paid in filthy rags. I despise my Countrymen, I wish I could say I was not born in America. I once gloried in it but am now ashamed of it. If you do your duty, tho' late, you may finish the War this Campaign, you must Immediately fill your Regiments, and pay your troops in Hard Money, they cannot exist as Soldiers otherwise.

The Insults and Neglects which the Army have met with from the Country, Beggars all description. it must Go no farther, they can endure it no longer. I have wrote in a Passion, Indeed I am scarce ever free from it. I am in Rags, have lain in the Rain on the Ground for 48 hours past, and only a Junk of fresh Beef and that without Salt to dine on this day, rec<sup>d</sup> no pay since last December, Constitution complaining, and all this for my Cowardly Countrymen who flinch at the very time when their



Exertions are wanted, and hold their Purse Strings as tho' they would Damn the World, rather than part with a Dollar to their Army.

I will leave this page and ask your attention to the next. Inclosed you will receive an Order on Elijah Hubbard Esq<sup>r</sup> Middletown for £3,000 which I wish to be prov<sup>d</sup> and laid out for me in Cloathing, agreeable to following invoice. 3 and ½ Yards Superfine Blue B<sup>d</sup> Cloth, 7 doz<sup>n</sup> best white C<sup>t</sup> Buttons for the same, 3 Yards Superfine White B<sup>d</sup> Cloth, Lining for two Coats, Lining for two Jackets, indeed everything to make up the Cloth for Coats and the Under dress, also white Linning, proper for 4 Vests and 4 breeches, 3 pr boot Stockings thread, the Hatt I wrote for some time since. If I have Credit or can possibly obtain it for these Articles I wish them immediately, the sooner the better, my Red Coats I Cannot wear. Pray exert yourself for them, I stand in great need of everything mentioned.

Yours &c.

EB HUNTINGTON

Make my love, Compliments &c to my friends and believe that I much wish to see them and have for five Weeks expected it, but am now inducd to believe I shall not see you soon.—Adieu.

XXIX. TO ANDREW HUNTINGTON.<sup>1</sup>

WETHERSFIELD 27<sup>th</sup> November 1780

*Dear Sir*

By a letter from Major Talmadge, we are inform<sup>d</sup> that last Week he went over to Long Island with a Party of 80 Men, that he marched to a place called Coram about 16 Miles from where he landed, indeed twas almost across the Island, where he attack<sup>d</sup> Fort S<sup>t</sup> George Garrison<sup>d</sup> with 60 Men, Carried it and took about 40 Prisoners; on his Return to his boats, he burnt a Magazine of Forage of about 300 tons of Hay and return<sup>d</sup> safe. in taking the Fort he had one man Wounded, tho' Slightly.<sup>2</sup>

Let me tell you this Town are about Procuring two fine Shirts for each of their Officers in the Line of the Army. Pray dont be behind hand (I want a Couple) in doing good.

Congress have given, or rather resolved to give each of the Lads who took Andre, 200 dollars Annually in Specie for Life, and have order<sup>d</sup> a Silver Medal to be given each of them, with a Copy of the Resolve in their favor. By letters from Camp, I find that I am Arranged on the New Establishment, which is by no means pleasing; I have wrote my friends in hopes to get it Altered but fear I shall not be able.

After wishing my love to you I Subscribe myself, Yours Sincerely,

EBEN HUNTINGTON

<sup>1</sup> Cf. letter of the same day to Webb, in *Correspondence of Samuel B. Webb*, II. 314.

<sup>2</sup> See Thompson's *Long Island*, II. 484.

XXX. TO ANDREW HUNTINGTON.

HARTFORD 2<sup>d</sup> March 81

*Dear Brother*

Your favor respecting the State Notes was duly rec<sup>d</sup>. at present the treasurer will not do anything about them. he says he can not untill some other business is Completed, nor can he tell how soon it will be in his power. I rec<sup>d</sup> a line from Brother Joshua respecting a small Bill for Paper supplied the Forts at N London, the Committee of Pay table will give no orders in Conti : for that reason I have return<sup>d</sup> the Bill by Doctor Turner that it may be properly made in State Money as that is the only Currency which the pay table will give orders in. I have also enclosed three setts of Bills for 12 dollars each in favor of Brother Jed<sup>h</sup> also his Certificate, which beg you to deliver him, his other Matters which he wrote me about I shall attend to. (One letter to the family must excuse me at this time). I wish Brother Joshua to raise me £50 Solid. if it can be done no other way he must sell one of my State Notes, for as much as it will fetch if it is not above £50 State Money. I must raise that sum in hand at all Hazards.

With the most Affectionate feelings to the families I Subscribe myself

Your very Humble Serv<sup>t</sup>

EBEN. HUNTINGTON.

State Money at Hartford is two and a half for one Conti : 75.

XXXI. TO ANDREW HUNTINGTON.

LIGHT INFANTRY CAMP DOBBS FERRY

*Dear Sir*

August 2<sup>d</sup> 1781.

Since I left Norwich, I have not been favored with a line from you, but by letters lately rec<sup>d</sup> from Sister Nancy<sup>1</sup> by Brother Jed<sup>h</sup>, am inform<sup>d</sup> my friends are in Usual health, and that no material Alteration has taken place in respect to our good Father. hope you will be able to inform me he has recover<sup>d</sup> his Usual Health and Spirits. Nothing has happen<sup>d</sup> lately worthy your information. Our Kingsbridge Expedition you must have long since had the Particulars of. hope soon to give you some intelligence of Consequence, altho at Present we remain very peaceable in Camp. The Enemy have no post without Kingsbridge except a small Garrison in Fort N 8, which is on (or rather near) Harlem Creek about a mile below Kingsbridge towards Morissania. they very seldom venture out more than a Mile this side Kingsbridge towards our Camp, except the Horse Thieves of Delancys.

From the Repeated Promises of his Excellency the Governor and Council to the Committee previous to their leaving Connecticut, we have from time encouraged the Officers and Soldiers to wait with Patience, and that they would without any Doubt receive some Money soon ; they

<sup>1</sup> Ann Moore, second wife of General Jedidiah Huntington.

have waited with earnestness, but are now almost outrageous. They Complain of the Ill Usage they receive from the State. the More they Suffer the More the State insults them by their Neglect, you have no right to expect their Services a Moment Longer. they have served you from the 1<sup>st</sup> of Jan<sup>y</sup> 77 and have rec<sup>d</sup> but just their Wages for 77. the rest is due. you Obligated them to Loan you two Years, and now withhold the Interest ; They have since the Loaning of those two Years served you 18 Months, and have rec<sup>d</sup> three months Nominal Pay in Old Continental Money (at 75 for one). we have born till we can bear no longer. you must pay us in Solids, or find other Servants, and those who ask no Wages. If we meet with such Treatment from you when our services are so much wanted, what can we expect at the Close of the Campaign (should it be Glorious) when you have no further need of our Services, but Insult and Injury, in a triplicate Proportion from what we have already rec<sup>d</sup> should it be in your power, to inflict so great an Allowance from a Store which ought to be exhausted. We are serving with the French Army where the Officers dine in Luxury and give us frequent invitations to their tables, we can't go to them, because we can not return the Compliment. Cloath feed and Pay us and you may have any Services you wish, but you must not expect nor shall you receive but little more without. I do not aim at you personally, I can excuse you and many more, but the State at large, don't deserve freedom, nor no other People on Earth, who are neither willing to Contend for Freedom Personally, or pay those who will defend their Cowardly Souls. Think one Moment at the very time you ought to have had your troops all in the field Cloath<sup>d</sup> and Disciplined (will say no more about pay) you are just forwarding your *three Months Men*, and these to be the Subject of the Drill during their Service.

Excuse me I am warm, and angry at the State, but still am yours Sincerely.

This letter will not be signed nor will you need any signature to know the Writer.

My Love to your good Lady and the rest of the Circle.

Joshua was to have forwarded some Salt fish and a Cag of Wine, I have hear<sup>d</sup> nothing about them since I left Norwich tho' should be very happy to, or even to know whether they have been forwarded and are safe.

XXXII. TO ANDREW HUNTINGTON.<sup>1</sup>

CAMP BEFORE YORK 10<sup>th</sup> October 1781

*Dear Sir*

Ten days since I wrote you by some Seamen bound to N London and Norwich who had been Captured at Sea by the Enemy and recaptured by our good Allies and Landed in this State, that they might

<sup>1</sup> Four subsequent letters (to Webb, 1782) are printed in the latter's correspondence, II. 387, 393, 401, 404.



return to their friends. at the time I wrote we had but just Disembarked in James River after coming down the Bay from the Head of Elk, since which I think I wrote, but by what Conveyance or when am not able to say. this will be forwarded to Gen<sup>l</sup> Huntington, who takes Charge of all my letters bound farther Eastward. Since I wrote you we have removed as you see by the date of this. on our Approach the Enemy evacuated their outworks and began Strengthening their more interior ones. we have alter<sup>d</sup> their abandoned out works, and turn<sup>d</sup> them against York and since then run our first Parallel and built our Batteries on it and open<sup>d</sup> them Yesterday. at present we have about 30 heavy pieces open<sup>d</sup> on the town, but in 6 Days more unless his Lordship Complains of our fire, we shall have upwards of Ninety including Mortars to tieze him with, which must Inevitably from his Situation oblige him to Surrender.

Yours sincerely without Signature

## REVIEWS OF BOOKS

*European History; An Outline of Its Development.* By GEORGE BURTON ADAMS, Professor of History in Yale University. (New York: The Macmillan Co. 1899. Pp. vii, 577.)

THIS little book is evidently primarily intended for the use of secondary schools where about a year is given to the study of the history of European civilization, and it is probably the best of its kind. The most successful books of the sort have hitherto been written by persons who did not know much history but did know how to make a text-book. Real historians are very rarely good makers of text-books. That Professor Adams is a good historian no one is likely to dispute; that he is a good maker of text-books he has shown before. Having previous knowledge of his capacity in both respects, one cannot be surprised at the excellence of this small manual.

The plan of the book is excellent. The material is well chosen, and the apparatus for more extensive study of the subject is judiciously indicated. The style is luminous and interesting, and the faults of the book are such as are inherent to such an undertaking and to the limitations of any human intelligence. No two men would choose to select the same material in constructing such a work, but no one can doubt that this selection is on the whole satisfactory; the references to works for further study are thoroughly good, though not exactly the same that anyone else would have made.

The author in his preface expresses the hope that his book "will be found of special value by the teacher who has escaped from the bondage of text-book recitations, as fortunately most teachers of history have now done." In other words, he hopes that it will be of special use to teachers of history who know some history. Doubtless it will. While a thoroughly equipped teacher of history can get along with a very poor text-book, there is no one who appreciates a good text-book so much. But Professor Adams seems to have an undue respect for the attainments of most of the teachers in the secondary schools. It is only a few years ago that a knowledge of history was considered entirely unnecessary for the teaching of history in these schools, and this condition of things has not altogether passed away. It is still the case that "most teachers of history" are such, simply because they have some time to spare from the teaching of other things. There are now many good teachers of history in the preparatory schools, but they are still in the minority. To these this book will be of great value; to the others it will be of less use than a worse book.

To illustrate at once the difficulty of the task which Professor Adams has undertaken, and the relation of such work to the efficiency or inefficiency of the teachers who may use it, I will call attention to a singular inadvertence. The author, in telling the story of Rome, has, of course, repeatedly to refer to the Senate. Yet nowhere does he tell what the Senate was, how it was constituted, who were its members, what were its functions, and what changes it underwent. This omission illustrates the fact that one cannot write the history of European civilization in one small volume, and remember to put in everything which will explain what he does put in. It may be expected that a good teacher will notice the defect and remedy it for his pupils, although it is quite possible for a good teacher not to notice it, and to leave it unexplained, as so good a teacher as Professor Adams has done, and his pupils are likely to have a very vague notion of that difficult subject, the Roman constitution. In the hands of a poor teacher (and there are more of these than the author seems to suspect), the book would fail utterly in this particular respect.

It ought to be said that such defects are rare in the book. For the most part, such subjects as are mentioned at all are made perfectly clear, or at least as clear as the limits will permit. Perhaps this clarity is most evident in the account of the Middle Age, which is commonly to young pupils the most tangled period of all history. The illuminating work which Professor Adams has hitherto done in this field has given him peculiar fitness to tell the story fully in brief space. Altogether the book is a pleasant one to read for anyone, and probably pleasanter for those who know something of history than for those who do not.

The excellent press-work calls for notice, and the illustrations are, for the most part, well done and helpful; some of them would be more so, if there were an indication of where they came from.

It is an interesting fact, and one of great significance, that in writing the history of Europe the author has not been able to keep America out of his book. It is not only that he cannot omit reference to the more salient points of contact between the two continents in discovery, international politics and war, but he finds in the development of America and American civilization an integral part of the civilization of Europe.

THOS. R. BACON.

*The Destruction of Ancient Rome. A Sketch of the History of the Monuments.* By RODOLFO LANCIANI. (New York: The Macmillan Co. 1899. Pp. xv, 279.)

PROFESSOR LANCIANI has written several books on Rome and it might be supposed that this handbook would traverse some of the same ground. But it not only differs from them in scope and matter: it fills, besides, a place not taken by any book yet published. It is not another description of the monuments of Rome, but a synopsis of the annals of Roman monumental criminology—virtually an arraignment in temperate and scientific



form of the centuries that successively conspired to destroy the monuments. It was something that required doing, for the vaguest and most incorrect notions are current as to what happened to the master-pieces of Roman art from the advent of Christianity to the present century.

Very little space is devoted to the transformations of Rome by reconstruction in ancient times; neither is much said of the old bugbear of the destruction of Rome by the Goths and Vandals, but what is said here ought to help to get rid of it once for all. Such passages as those in the Byzantine historian Procopius, writing in the middle of the sixth century, show how well-preserved ancient Rome then was, even to colossal statues standing in temples, streets and squares. Even early in the seventh century poets still recited, as of old, in the Forum of Trajan.

Barbarians and early Christians being almost entirely exonerated, it remained to be shown on whose shoulders rests the responsibility for the disappearance not only of most of the decorative features of the ancient monuments but of the immense masses of their masonry. In some cases several million cubic feet have disappeared, not a trace being left of such buildings as the Circus Maximus, which is reckoned to have had at least 250,000 running feet of stone and marble benches with heavy retaining walls. Professor Lanciani's book proves that the culprits responsible for these almost incredible disappearances are the Romans themselves, of the Middle Ages and the Renaissance. The proof is overwhelming, especially for the Renaissance, and yet we know that the author has held back the larger part of the detailed proofs, which will appear in his exhaustive volumes, *Scavi di Roma*, of which this is merely a foretaste. The summarized titles of the chapters<sup>1</sup> show how the material is grouped, in historic order. At the beginning of the story of destruction the book shows how the principal changes under the emperors were connected with changes of level in various quarters of the city from different causes. Sometimes, as in the gardens of Maecenas above the Esquiline Cemetery, an entire tract was covered up and raised for hygienic reasons; at other times hilly parts were cut down to secure flat building-spaces or better communications, as in the Forum of Trajan; but more often the cause was one of the destructive fires, such as those of Nero, of Titus and of Caracalla, when the remains of the damaged quarters were merely levelled

<sup>1</sup>I. The destroyers of Ancient Rome; II. Transformation of Republican Rome by the emperors; III. Use of earlier materials in the building of the later Empire; IV. Aspect of the city at the beginning of the fifth century; V. The sack by the Goths in 410; VI. The sack by the Vandals in 455; VII. The city in the sixth century; VIII. Burial places within and without the walls; IX. The devastation and desertion of the Campagna; X. The monuments in the seventh century; XI. The incursion of the Saracens in 846, and the extension of the fortifications of the city; XII. The flood of 850; XIII. The Rome of the Einsiedeln Itinerary; XIV. The usurpers of the Holy See and the sack of 1084; XV. Rome at the end of the twelfth century: The Itinerary of Benedict; XVI. Marble-cutters and lime-burners of medieval and Renaissance Rome; XVII. The beginnings of the modern city; XVIII. The sacking of Rome in 1527; XIX. The monuments in the latter part of the sixteenth century; XX. The modernization of medieval buildings; XXI. Modern use of ancient materials.

off and used as foundations for new streets along the same lines, on a level sometimes from ten to twenty feet higher. For instance Nero's colossal Golden House covered a mass of buildings—public and private—destroyed by his fire, and when in its turn it was damaged by fire in 80 A. D. Titus took occasion to restore part of its site to public use, and his baths and those of Trajan rested on part of it. Modern excavators find, therefore, in such sites, three distinct strata, each interesting. This practice encouraged a feature that became popular in the third century, the use of old artistic material in new buildings, especially in foundation-walls, in which statues, reliefs and decorative sculptures were often imbedded.

It was natural that the triumph of Christianity and the substitution of Constantinople and Ravenna as capitals of the late Roman and Byzantine world should have accelerated the downfall of the monuments. When the temples had lost their worshippers and the priests their revenues there was no alternative but to let them decay or transform them to some other use. It was somewhat different with civil structures, of which a considerable number remained in good repair until the disastrous Gothic wars in the sixth century, while others were preserved as churches. Professor Lanciani is not very clear or full in his treatment of the changed use of old structures, nor has he shaken himself quite free from the old idea of the damage done them by Christian fanaticism. Such adaptations should be welcomed. The best-preserved temples in Rome—the Pantheon and the temple of Faustina—owe their condition to having become churches in the seventh century. There were similar cases of civil structures—such as the Tabularium and the City Archives of Deeds—saved by use. This use alone prevented destruction at the hands of the infamous vandals of the Renaissance.

For the succeeding periods Professor Lanciani comments briefly on two interesting medieval documents, the first of which (*Einsiedeln Itinerary*) indicates the principal monuments surviving the desolation of the Gothic wars and its effects; and the second (*Itinerary of Benedict*) when compared with it shows what great changes had taken place between the ninth and the twelfth centuries, caused largely by Robert Guiscard's burning of the city in 1084. The book passes quite lightly over the wilful devastations of the Middle Ages, though it indicates the sins of the lime-burners and of the decorators who made wholesale use, for their mosaic pavements and church furniture, of the marble floors and revetments of ancient buildings, as well as of ancient columns and wall-material for their new constructions. Medieval contractors from other parts of Italy were even wont to supply themselves in Rome.

Evidently, however, Professor Lanciani proves most abundantly his contention that all the injury by the hand of man, by fire, and by the wear and tear of time, for the previous long term of some twelve hundred years, does not equal the destruction wrought by the two centuries of the Renaissance (fifteenth and sixteenth) which while fawning on antiquity most cynically wrecked it. The bulk of Renaissance buildings in Rome are made up of the material of the ancient city—from the lime produced



by its statues to the columns taken by wholesale from still-standing structures. In every large monument a lime-kiln was established until it was consumed. Says Cardinal Santori, of the great Sixtus V.: "Seeing that the Pope was quite bent on the destruction of the antiquities of Rome many Roman noblemen came to beg me to try to persuade his Holiness to abandon his strange purpose, particularly as he cherished the intention of destroying the Septizonium (of Septimius Severus), the Velabrum (arch of Janus) and the Capo di Bove (Caecilia Metella). I made this request in company with Cardinal Colonna and received the reply that he wished to remove the unsightly ruins." The most wholesale destruction took place in connection with the building of St. Peter, whose immense mass of masonry was taken almost entirely from the vitals of ancient Rome by order of the popes. Sometimes an architect received a completely free hand. The same pope, Sixtus, authorized his favorite architect Fontana to excavate, seize, and remove from any place columns, marbles, travertine, and other material. The papal example would naturally be followed by lesser ecclesiastical authorities and by the papal "nephews." Of the infamous annals of these two centuries we shall get the details in Lanciani's *Scavi di Roma*. By a broad application of his title the author includes also the destruction of the monuments of early Christian and medieval Rome. The irreligiousness and disregard of all sacred traditions of the Roman church of the Renaissance is completely illustrated by its destruction of the old basilica of St. Peter, with all its art-treasures, the centre of the Christian world. And after that as an example the architects of the seventeenth and eighteenth centuries did not hesitate to transform the early churches into specimens of that most hideous of styles the world has ever seen—the barocco—and to make them brutal, tawdry, vulgar instead of delicate, symmetrical, and artistic.

It seems regrettable that so few illustrations accompany the text and that these are so inferior in quality; hardly a book issued in recent years has had such poor half-tones. Of course it would be possible to criticize also some parts of the text, not so much for its minor inaccuracies as for omissions which prevent its covering the ground of literary sources as well as it does that of archaeological investigation, in which the author is more at home. However, we know of no one who, on the whole, could have done the work better, if as well.

A. L. FROTHINGHAM, JR.

*Italy and Her Invaders.* By THOMAS HODGKIN. Vols. VII. and VIII. The Frankish Invasions and the Frankish Empire. (Oxford: Clarendon Press, 1899. Pp. xx, 397; xii, 331.)

THESE two volumes form the conclusion of Dr. Hodgkin's great work, begun nearly twenty-five years ago, in which he has undertaken to present in a semi-popular form the history of a very obscure and difficult period. Taking Italy as the material and dramatic centre of his narrative he has given in these eight substantial and elegant volumes a review of



her fortunes from the first incursion of the German barbarians at the close of the fourth century to the establishment of the Frankish Empire at the beginning of the ninth. It was a stupendous undertaking, too large for any one man working under the demands of modern scholarship to hope to complete in that spirit of thoroughness we have learned to expect in a work of this scope. Dr. Hodgkin was in some ways conspicuously well fitted, in others equally ill-fitted for his task. He was a capable classical scholar, able to read without difficulty the text of his original authorities, on which his story must rest. He grasped from the outset the principle that contemporary witness is, on the whole, the most trustworthy and that every historian must go back again to that if he will build his foundations broad and sure. He has realized that a great part of the original material for his period was valuable only as it should be sifted by a comprehensive and intelligent criticism. He has shown us that he is not indifferent to the work of others in the same field. All these are praiseworthy traits in the historian. On the other hand Dr. Hodgkin has shown singular defects in the practical application of this respect for sources and this appreciation of modern co-workers to his printed results.

We are ready to believe that he knows German well; but he gives surprisingly little indication of it. He may be familiar with the modern literature of his subject, but his references to it are throughout meagre and far from satisfactory. He has been possessed by a demon of style, that seems to have grown more and more exacting as his work has advanced. He has been haunted by his conception of a *magnum opus* as a thing to which the grand manner is indispensable. A curiously ineffective dramatic sense, of which the title of the book and the headings of chapters are illustrations, has continually distorted the proportions of his narrative and vitiated his conclusions. An absolutely amiable spirit, a really modest judgment of himself and an undoubted willingness to accept the views of other persons have not added strength to his presentation.

These two concluding volumes exhibit all the characteristic merits and defects of their predecessors, but they emphasize unduly the defects, because here, much more than in former volumes, Dr. Hodgkin is brought into inevitable comparison with other workers in the same field. Visigothic, Ostrogothic, Lombard Italy are comparatively unfamiliar ground, but everything touching upon Frankish matters has been worked over again and again in the generation just passed. Whoever would write, with any serious claim to the attention of scholars, upon this theme must first have assured himself that no noteworthy production of recent scholarship has escaped his notice.

We realize fully that a great scholar who has completely mastered his subject may well choose to conceal the machinery by which he has amassed his learning and formed his conclusions. He is fully within his right in so doing. But Dr. Hodgkin obviously has no such purpose. On the contrary he at times almost parades his authorities. He refers, quite in the antique fashion, to "the learned" this or "the learned but obscure"

that; he is occasionally servile in his blind acceptance of leadership, as in the case of Bryce; he is frank to the extreme in his acknowledgment of pages of detail. Where he has consulted books he lets us know it, and we are therefore fairly warranted in the conclusion that where he does not inform us he has not done so. His method is here, as it always has been, to divide his work up pretty minutely into chapters, furnishing each with some heading, of which "The Great Renunciation," meaning the retirement into a monastery of Carloman, brother of Pippin, "The Final Recognition," that is the sham acknowledgment of Charlemagne's *imperium* by a desperate Byzantine usurper, and "Carolus Mortuus" meaning the death of Charles, are specimens. Then for each chapter he selects one or more "sources," giving a very brief opinion as to their value, and this source or sources he follows as closely as may be. He adds also, in each case, one or more modern writers whom he calls "guides" and whom he seems to follow with almost equal fidelity. It is not difficult to see that Waitz and Dahn are the twin stars whose guidance he accepts whenever he can without much question, and a very good guide one at least of them is as far as he goes. That may also be said for the faithful workers who have produced the series of *Jahrbücher der Deutschen Geschichte*, but it is a little surprising that in a work of this importance so many chapters should be written without other "guide" than one of this series published from forty to twenty years ago. For the chapter on the Court of Charlemagne the guides are an essay by F. Lorenz printed in Raumer's *Taschenbuch* in 1832 and a chapter in Guizot's *Civilisation in France*! The dating of books referred to is, by the way, a matter of no importance to Dr. Hodgkin. Having thus mapped out his chapter he proceeds to treat it as an act in the drama he is writing, and he tries above all things to make it interesting by constantly emphasizing the dramatic points and by a liberal use of picturesque language.

In accordance with his previous usage Dr. Hodgkin gives quite as much, if not more attention to the Invaders than to the land invaded. This leads him to devote much space to the tolerably familiar story of the rise to power of the Carolingian family. He has nothing new to tell and his personal contributions are more than usually unfortunate. To describe Clovis as a "scoundrel" is as foolish as are most of our author's applications of modern ideas to the past. If we could follow the political philosophy on pp. 20 and 21 we might suppose the movement of national life to be as simple as the rule of three: a king gets tired of work and prime ministers rise to power! Because Tirol was under Bavaria in the eighth century, we must have a special foot-note on p. 63 to tell us that therefore there was good precedent for the annexation of Tirol to Bavaria by Napoleon! Perhaps after all the Merovingian line may not quite have disappeared, for "among the fishwives who dragged Louis XVI.," etc., "there may have been some men and women who might have claimed descent from Dagobert and Chlotchar" (p. 130). What can be meant by this (p. 52)? "How little most students of modern history grasp the fact that the standard of the Crescent once floated within



a hundred miles of Lake Geneva?" We had supposed this to be one of the most elementary facts of European history.

If this be thought petty criticism, let us notice more important matters. A marriage alliance between Charles the Great and the Empress Irene would certainly have been worthy of all Dr. Hodgkin's eloquence. He cites but one authority and that a Byzantine one for even the possibility of such a plan. Yet he treats it as if it had been one of Charles's most cherished ambitions, speaks of "the lady of his choice," almost finds it strange that Charles did not set out to avenge his honor and ascribes the failure of the negotiations to the accidents of a Byzantine revolution. In fact such a possibility is contradicted by every act of Charlemagne, whose chief claim to greatness is that he kept himself strictly within the limits of the attainable and never sought to extend his effective sovereignty beyond the peoples of Germanic stock.

The same futility marks Dr. Hodgkin's treatment of the beginners of the medieval Empire. He is hypnotized, as most English writers since Bryce have been, by the notion that this new institution must be treated as the continuation of the ancient empire and must, by fair means or foul, be constitutionally explained as such. A very brief study of Mr. Herbert Fisher's recent book would have given at least some food for reflection on this point. The unwary reader might easily gain the impression that the use of the word *Basileus* by a feeble Byzantine usurper who was "trembling on his uneasy throne" was the quite sufficient constitutional warrant of the *imperium* of Charlemagne (pp. 252-253). Doubtless Charles welcomed this as he did every other form of recognition, but that he had any theoretical scruples whatever on the matter is wholly disproved by every act of his imperial period. The one substantial result of the negotiations between the two courts was the rectification of boundaries whereby Charles with great wisdom let go a large territory east of the Adriatic, thus emphasizing the distinctively Germanic character of his empire.

Of social, economic and constitutional developments we have hardly a word except in the short concluding chapter. For the selections from the Capitularies and the Lombard Laws here given we are grateful, but Dr. Hodgkin's moralizing comments upon them are not instructive. In parting with this all too voluminous work may we not express the hope that some person with a less unruly imagination and a more chastened style, leaving out all the decorations and adding some adequate references to recent literature, may be allowed to condense these eight volumes into two at the most? We should thus gain what is most valuable, the general plan and the relation of the parts to each other, without wading through the mass of "literature" which now obscures them.



*The United Kingdom: A Political History.* By GOLDWIN SMITH, D.C.L. (New York: The Macmillan Company. 1899. Two vols., pp. xi, 650; vi, 482.)

At the age of seventy-six, Mr. Goldwin Smith has given to the world his most ambitious and most important work. *The United Kingdom* may be looked upon as containing the sum of Mr. Smith's historical philosophy and as representing his matured views upon historical presentation. Though "performed by the hand of extreme old age," as Mr. Smith says in his preface, the work is marked by a virility and spirit rarely equalled among younger writers. This strength is the more remarkable in that the work is not history as the modern student understands it—that is, it is neither an impartial narrative of events nor a logical study of causes and their effects—but is rather an exposition of the views which Mr. Smith holds upon the men and movements of English history. This fact gives to the work a definite individuality, and is its chief claim upon the attention of the reader, for Mr. Smith has, as all know, strong opinions.

After dismissing the Anglo-Saxon period in fifteen pages the author carries his discussion continuously forward to the beginning of the reign of Queen Victoria. In a few instances he pursues his chronology beyond 1837 and anticipates later events, especially in the chapter devoted to the colonies, in which he continues Canadian history to 1871 and Indian history through the mutiny. He is both broad and narrow in scope; broad in that he concerns himself not with southern England, but with England, Scotland, Ireland, and Wales; and narrow in that he does not follow the expansion of England into a Greater Britain. Apparently he is not influenced by the writings of Seeley and Mahan, for neither the policy of Pitt nor the Seven Years' War entices him to speak of expansion, and even when discussing the commercial war with Napoleon he does not so much as remark upon the importance of sea-power in history. He has, it is true, a separate chapter upon the colonies in the East and West, but of the influence of the colonial and commercial policy that they entailed he says nothing; and so far is he from understanding the colonial aspects of the mercantile system, that he thinks England should have let her American colonies go free from the beginning (II. 208).

Mr. Smith's method of treatment is to take each reign in its order and to deal with its various aspects in a half chronological, half topical manner. Sometimes he has followed a given subject until he has worked it entirely out; then again he has not hesitated to break his sequence and turn aside to examine some other topic that intrudes itself chronologically. Within his chosen field of politics, his range is wide, and the number of matters dealt with, large. Ecclesiastical, financial, and economic questions are also occasionally brought up for presentation, and on the social side nothing could be happier than his description of the stereotyped chivalry of the fourteenth century (I. 211). Discussing these many questions Mr. Smith does not adopt a narrative but combines description with commentary. Matters of proportion, perspective, and the relative

importance of events do not trouble him, for in his eyes the value of history is to furnish lessons for the conduct of the present and opportunities for moral instruction. While paragraphs and groups of paragraphs are consistently devoted to a given subject, yet there are scarcely any other motives for his arrangements than such as are literary and artistic, and in consequence the interest is sustained less by the subject itself than by the manner in which Mr. Smith has treated it. In the hands of a weaker man many of the chapters, such as those on the reigns of Edward III. and James I., would seem confused and chaotic. In the latter instance (Vol. I., ch. xx.), where the introductory portion has been elaborated with great care at very considerable length, the general effect may be deemed a failure. Generally, however, the firm grasp, trenchant conclusions, and picturesque style tend to hold the attention of the reader, who is interested to know what Mr. Smith is going to say next. The arrangement, though arbitrary and often artificial, does not destroy this interest, for the different chapters in reality partake of the character of essays.

In style Mr. Smith is inclined to be dramatic and rhetorical, and sometimes one's mind is kept under too persistent a strain for the effect to be agreeable. This is partly due to the author's fondness for well rounded periods and groups of dependent clauses with a suitable climax, partly to the personal and biographical character of the subjects he has selected to treat. In his characterization of historical personages Mr. Smith assigns to each individual his full quota of moral responsibility and stands at the opposite extreme from those who would explain moral effects by physical causes and reduce historical study to mere pathology. His descriptions of Becket, William Wallace, Richard II., Jack Cade, the members of the Cabal, and many others are models of literary form and expression, of graceful analysis and brilliant coloring. Models to the novelist; hardly, we think, always to the impartial historian. In the cases of Cromwell and Edmund Burke, where the character is worked out in connection with the events, in which each was a leading actor, the method is more historical and the results more true. With the treatment of the minor personages and those who, though great in other fields, were only incidentally connected with political history, Mr. Smith is equally forcible in what he says, as when he characterizes Swift as "strangely combining some of the highest gifts of human genius with the malice as well as the filthiness of the ancestral ape." Scenes full of strife and surcharged with excitement offer Mr. Smith admirable material for picture-painting, and the investiture struggle between Henry I. and Anselm, the barbaric warfare in Ireland, and the events leading to the adoption of the Grand Remonstrance are exceedingly well done.

In certain particulars Mr. Smith's partisanship assumes striking proportions. For example, the relations between England and Scotland on one side and England and Ireland on the other call forth from the author vigorous denunciation. Charging upon William the Conqueror and the Norman Conquest the severance of Scotland and Wales from England (II. 140), he loses no opportunity to censure every royal act



that does not aim at union. He cuts the Gordian knot of legal controversy by declaring that it was the right and duty of Edward I. to conquer Scotland (I. 196), which if not ripe then for union, was to be no riper "after centuries of war, mutual devastation and ever deepening hate" (I. 411). He ardently defends Cromwell's policy (I. 591) and condemns unsparingly "the ignoble policy" of the Restoration (II. 21), which reduced the land to a satrapy (23). He hails the union of 1707 as a greater victory than Blenheim, yet he does not give the slightest hint that commercial interests helped to reconcile the Scots to the loss of their independence. Such treatment as this inevitably raises the question whether English history can be justly written when other interests than the political are so completely ignored. For Ireland the attempted conquest of Henry I. was the opening of "seven centuries of woe" (I. 99). From this time forward fire and fury, blood and slaughter mingled with the author's hot words of wrath at England fill the Irish scene, relieved only by the Cromwellian calm. But Cromwell dies and leaves no heirs of his policy and the war is resumed. English corruption, a "bloated" alien church, grasping landlords are on one side, while on the other are Irish murder and arson, and Mr. Smith's burning vocabulary. In no other part of his work is Mr. Smith's vigorous partisanship more conspicuously portrayed; for with Ireland at least the question is no longer medieval but modern.

Mr. Smith uses his text as furnishing suitable occasions for brief homilies on current questions. Epigrammatic comments of this character are scattered everywhere through these volumes. Whenever he runs up against a matter touching protection or church establishment he is always ready to express his sentiment in no half-hearted way. We meet with such sentences as these: "The statute-book is full of commercial legislation mostly protectionist and meddling and therefore unsound" (I. 224); "by him as far as was possible in a perverse generation and under a reign of landlords were advanced in all directions sound economical principles, above all the principles of free trade" (II. 328.) Again concerning the Established Church he says, "The church still remains in bondage to the state" (I. 375); "On every side we are met by the consequences of the union of the church with the state, and the entanglement of the real duty of government with its supposed duty of maintaining and enforcing the true religion" (I. 423); an "ever pernicious entanglement" (I. 448), "an entanglement leading to evils and confusion" (I. 523), he elsewhere calls it. He decries the election of judges (II. 83), bewails the effect of publicity on modern orators and parliamentary debate (I. 526; II. 229), and in one passage seemingly has in mind the South African crisis when he says: "It has been truly said that the Englishmen are not at ease in their aggrandizement unless they can believe themselves to have a moral object, and that Cromwell was in this respect a typical Englishman. But the combination was more genuine, the illusion at least was easier in the case of one who served the



God of the Old Testament than it is in that of the imperialist of the present day" (I. 634).

In his arrangement of subjects, in his comments upon current questions, in his historical parallels, of which there are many, in his use of the past to illustrate the present, and in his persistent viewing of the past from the standpoint of the present, Mr. Smith represents a form of historical presentation that is rapidly passing away. He seems to scoff in passing at him whom he calls the evolutionary historian and takes frequent occasions to throw the "accidents" of history into the face of a "science of history" (I. 273, 644, II. 301). Of such "accidents" he finds many (I. 194, 343, 521, II. 74), and all concern the life and actions of the individual, a truly incalculable element in history. He does not seem unwilling, however, to confess that the importance of individuals is growing less as intelligence spreads (I. 643), but he has not acted upon his own suggestion, magnifying the biographical side of history and making the moral treatment of character his first thought. In all these particulars in which he stands opposed to the modern historical school his point of view will be understood by those who know him, and by those who do not will be interesting because of the moral earnestness which characterizes it. No reader of this work can fail to realize that he is in the hands of an uncompromising advocate.

But there is another aspect of Mr. Smith's treatment that is distinctly harmful. I do not refer to his partisanship, which tends to discount itself, but to his misrepresentation of what history is by his want of sympathy for or appreciation of the institutions of the past, and the stress which he everywhere lays upon the darker side of human character and human life. His shadows are too deep, his epithets too harsh. He can see no benefits in the Norman Conquest (I. 23, 40, 43, 61, 74, 104), though his own characterization of the reign of Henry II. belies his words (I. 69, 114); he sneers at the Church (I. 35, 37, 54, 155, 167); is hostile to Henry VIII., unfavorable to Elizabeth and all the Stuarts, and only lightens his darkness by his one really fine piece of historical writing on the Long Parliament, Cromwell, and the Commonwealth, though even here he shows animosity to the Presbyterians, whom he charges with intolerance and blasphemy. From the Restoration again all is dark: kings are debauchees or fools, men in office stupid or corrupt. Abroad the lines are even more deeply drawn. Louis XIV., Madame de Maintenon, Frederic William I., Frederic the Great, Napoleon, Metternich, and others are hated with a burning hatred. "Priestridden," "charlatan," "fanatical champion," "military maniac," "cruel and perfidious idiot," are not the harshest of the characterizing epithets. Mr. Smith cannot separate the private from the public life of an individual. He cannot separate the past from the present. He does not understand and consequently misrepresents feudalism, the medieval church, medieval monarchy, mercantilism, and the colonial system. He judges each as if it were an institution of to-day.

The inevitable conclusion is that Mr. Smith's history is but a tale of a corrupt monarchy and a superstitious church, of political jobbery, rapacity, and governmental maladministration generally; a tale, that is, of human error. Men, and women, too, have left undone those things that they ought to have done and have done those things that they ought not to have done, and Mr. Smith does not hesitate to disclose their faults. We are reminded at times of that "rigid liberalism," of which Lord Acton speaks, "which by repressing the time-test and applying the main rules of morality all round, converts history into a frightful monument of sin." It would seem at times as if the author preferred to make his delineations dark that the moral lesson might be the more strongly emphasized. But the resulting impression is wrong. History is not the tale of the vices of men, as Lingard, the French philosophers, Joseph de Maistre, and now Mr. Smith wish to make it. We admire the author's style and his wonderful command of English speech, we respect his point of view and his own chosen method of presenting the subject, but when we have reached the end of his work and look back over the path we have traversed we cannot believe that the conclusions reached and the impressions left are those that the reading public ought to have of the history of the United Kingdom.

CHARLES M. ANDREWS.

*The Commune of London and Other Studies.* By J. H. ROUND, M.A. (Westminster: Archibald Constable and Co. 1899. Pp. xviii, 336.)

THIS volume contains fifteen essays dealing with the Anglo-Saxon villis, the history of London, Anglo-Norman warfare, the origin of the Exchequer, the conquest of Ireland, the inquest of sheriffs (1170), the coronation of Richard I., the battle of Bannockburn, cornage, the marshalship of England, and other subjects. In fact, so many topics are examined that it is impossible to explain their purport within the limited space allotted to this review. Many of the questions examined are important, and the results attained form a welcome addition to our stock of knowledge, though they are of less general interest than those embodied in Round's *Feudal England*. Both works display the same striking merits: remarkable acuteness in unearthing new materials, masterly analysis and interpretation of charters, clearness of diction, and the accurate presentation of facts. In both works, on the other hand, the narrative sometimes lacks coherence; the author is inclined to magnify the importance of his "discoveries;" and he exhibits undue asperity in his treatment of historians whose statements he cannot accept. *The Commune of London* fairly bristles with polemical paragraphs. Mr. Round's heavy batteries are directed against Hubert Hall; but Kemble, Freeman, Brewer, Archer, Stevenson, Loftie, Oman, Miss Norgate, and other historians are also subjected to a more or less furious cannonade. With less smoke and carnage Mr. Round's merits as an historian of high rank would stand forth more clearly.

The essay which gives its title to the volume deals with the changes that took place in the municipal constitution of London in the year 1191, when the commune was established in that city. Our author maintains that, as a result of this revolutionary movement, the mayoralty of London came into existence; that the "ferm," or annual rent payable to the Crown by the citizens, was reduced from £500 to £300; and that an administrative council called the "skivins" (*échevins*), modelled after that of Rouen, was introduced. It has long been known, from the narrative of contemporary chroniclers, that there was a communal movement in London in 1191, and that John and the barons, in return for the support of the citizens against Longchamp, were obliged to recognize the commune. Mr. Round has discovered the communal oath and other documents which seem to prove that the commune was not merely recognized in theory but actually established, and he presents some new details regarding the municipal organization of London in the time of Richard I. and John. For any new light on the obscure subject of English municipal history in the twelfth century we should be grateful, and that Mr. Round has advanced our knowledge of the government of London in that century no one can deny. He has not however conclusively proved that the model of Rouen or of any other continental municipality was closely followed by London in 1191, or that the communal movement of 1191 had any abiding influence. He ignores the existence of "skivins" in the municipal institutions of other medieval boroughs of England where those officers do not connote a communal government; and his arguments in favor of the view that the commune was the germ of the London Common Council are not convincing, for they hinge mainly on the assumption that the administrative body of twenty-four mentioned in John's reign was copied from Rouen. It is indeed not certain that the council of twenty-four had any direct connection with the struggle of 1191.

That some Continental influence was exerted on English municipal life in the twelfth and thirteenth centuries is probable, but that it had fruitful or abiding results in connection with a communal movement in London or elsewhere has yet to be demonstrated. Richard of Devizes was right when he said that neither Henry II. nor Richard I. would have granted the commune to London for a million marcs. It is difficult to believe that the powerful Plantagenet kings would long tolerate in England communal autonomy such as existed in France; and we know that even the communes of France were undermined or suppressed as soon as the French monarchy asserted its supremacy. Continental influence on English municipal development was probably more potent in the baronial than in the royal boroughs, but the result of that influence in the baronial towns was not the establishment of communes.

As regards matters of detail Mr. Round is usually accurate, but, like other mortals, he occasionally errs. *Scaccarium* means chess-board, exchequer-table, and exchequer, but there seems to be no authority for he meaning "chequered cloth" (p. 94). Mr. Round adheres to the



accepted view that the Exchequer derived its name from the chequered cloth that covered the table on which the accounts were audited. This view does not however receive support from a statement of William Fitz Stephen, quoted in *The Commune of London* (p. 63), that in 1164 John the Marshal was "officially engaged at the quadrangular table, which from its counters (*calculis*) of two colors, is commonly called the Exchequer (*scaccarium*)."<sup>1</sup> The counters evidently resembled *scacci*, or chess-men. Now if Fitz Stephen "knew his London well," as Mr. Round assures us that he did, why not accept his explanation of the name *scaccarium*? Fitz Neal, in his *Dialogue of the Exchequer*, gives a detailed account of the table and explains the origin of the term *scaccarium*; he speaks of a "*pannus niger virgis distinctus*," but says nothing concerning a chequered cloth. On page 201 Mr. Round informs us, on the authority of Dr. Stubbs, that the writer formerly described as "*Benedictus Abbas*" is "now virtually known to have been Richard Fitz Nigel;" and yet Dr. Stubbs presented his view merely as "a chance hypothesis," and—convinced of his mistake by Dr. Liebermann's arguments—now admits that "as a mere conjecture it is not worth defending." On page 237 we are told that "Dr. Gross . . . appears to consider these officers (the *échevins*) a purely Continental institution;" but the *Gild Merchant*, I. 26, to which Mr. Round refers in a footnote, calls particular attention to the existence of *échevins* in the gilds of many English boroughs. The fact that the charter of Henry, duke of the Normans, confirmed to the citizens of Rouen (1150–1151) their port at Dowgate, as they held it from the days of Edward the Confessor, is scarcely "unknown to English historians" (p. 246), for it is set forth in a book published by the Clarendon Press several years ago.

These errors, though most of them are of little importance, show that "absolute exactitude in statement," the lack of which among his contemporaries Mr. Round so often deplores, is difficult of attainment even by the most careful historians.

CHARLES GROSS.

*Histoire de la Marine Française. I. Les Origines.* Par CHARLES DE LA RONCIÈRE, Ancien Membre de l'École Française de Rome. (Paris: E. Plon, Nourrit et Cie. 1899. Pp. 532.)

M. DE LA RONCIÈRE'S *Histoire de la Marine Française* belongs to the class of naval history of which Sir Harris Nicolas's admirable work is the typical example. For his opening volume, *Les Origines*, which carries us from Gallo-Roman times down to the opening year of the Hundred Years' War, M. de la Roncière could not have chosen a better model. Indeed a pleasant note that runs through the whole volume is the French scholar's frank appreciation of his English forerunner. It is equally pleasant to say that not only does M. de la Roncière surpass his model in the literary skill of his narrative passages, but also that wherever he is concerned with the elucidation of obscure points of medieval maritime

history—and those which he clears up are too numerous even to mention—his work deserves a place at least as high as that which Nicolas has long held. Where he leaves the field in which he proves himself so sound a master the result is not always so admirable. At the outset the work is unfortunately marred by an unphilosophical division of the subject. It is difficult to believe that an arbitrary chronological classification will help his task. Even if he succeeds in showing any generic difference between the naval art of the later Middle Ages and that of the early Renaissance it is certainly impossible for him to draw any distinct line between the later Renaissance and Richelieu. Scientifically the arrangement rests on no real basis. Fra Guglielmotti in his *Storia della Marina Pontificia*, a work which M. de la Roncière does not quote, has pointed out that the only sound division must be on the bases of oars, sails and steam. Even from the narrower point of view of French naval history there seems no greater reason for opening a period with the revival of Richelieu than with the revival of Philippe le Bel. It was the Protestant privateers of the sixteenth century who really opened the modern period.

In searching for his foundations M. de la Roncière digs somewhat deep and wide. He tells us at length of the two Roman naval organizations established at Marseilles and Boulogne, and a good deal of the action of their fleets, which seems hardly to fall within his province, as having had little or no influence on the true French navy. One would gladly have sacrificed the whole of the classical prelude for a clear summary of the naval lore of Vegetius, to whose deep influence on the mediæval French navy he only refers incidentally. The same too might be said of the next section devoted to the navy of Charlemagne. Still M. de la Roncière has a good defence in the peculiar difficulty of his special subject. From the fact that France had two distinct coasts, as wide apart from a naval point of view as England and Venice, French naval history is necessarily highly complex. It is fed both from the Mediterranean and from the Atlantic, and so far do the two streams flow on side by side without thoroughly mingling that the duty of following up each branch seems hardly avoidable. The complexity does not even end here. For each stream is itself composite. That of the Mediterranean is composed of Eastern and Western influences and that of the Atlantic springs on the one hand from the North Sea and Baltic and on the other from the Bay of Biscay and Portugal. If M. de la Roncière does not completely fill in his design with a consideration of the African and Iberian sources he amply makes up for the defect by his masterly gathering of the threads. In the mixed Northern, Southern, Eastern and Western nomenclature in use in the *Clos des Galées* at Rouen he spreads before us the strangely woven web, and with a sure and original hand traces it back to the Norman sea kingdom of the two Sicilies. Around the word "admiral" he weaves a whole fabric of highly illuminating historical etymology. His tracing of the actual origin to the title of the naval governor of Sicily is new and convincing and leaves us in no doubt that Naples was the focus

from which modern naval nomenclature and indeed modern naval art spread out again into the corners of the South. The differentiation of course increased widely in proportion to the distance from the centre, but had M. de la Roncière happened to meet with the official vocabulary of the Anglo-Egyptian coast-guard service he would have seen the old Neapolitan medley still alive and indeed still in active growth. Basque, Iberian, Italian, Arab, Breton and Teuton, all are there in eloquent confusion to this day.

At considerable length M. de la Roncière carries us on through the Crusades, but only to show us that France had no navy. The same may be said of the War of Aragon, an excellent chapter full of interest for the general history of the naval art, though for France it tells how her first attempt to create a navy was crushed in the bud. Indeed the whole moral of these early times is the instability of naval power that has not a large commercial marine behind it. It is even true of the new era that begins from the foundation of the *Clos des Galées* at Rouen. It is from this point that M. de la Roncière would date the commencement of the French navy. But all he can tell makes it plain that it was no true French navy at all, but an exotic transplanted from Genoa, doomed to wither and fail in an uncongenial and sterile soil. The most valuable part of these early chapters is the light they throw on the tactics, shipping and seafaring life of the time, though it could be wished M. de la Roncière had devoted more attention to the essential characteristics of the various types in use. He is sometimes inclined to rely on what previous workers in the field have done. We hear of numbers of different kinds of vessels and have no help given us to conceive them except where his learning has given him reason to differ from the conclusions of other naval archaeologists. The result is a certain incompleteness, marring the impression of finality to which so important and laborious a work is entitled. Even the distinction as to whether certain vessels were oared or not is passed over with no clear insistence, though it is on this distinction that the whole history of naval tactics and strategy turns. We hear of sailing ships being used merely as transports and again we see them as at Sluys taking the leading part in an action, but for M. de la Roncière the point seems to have no importance. Again we hear continually of galleys, but are never warned of the wide difference between what was called a galley in the North Sea and Baltic, and the true galley of the Genoese mercenary and the Clos de Rouen.

One point in M. de la Roncière's arrangement deserves hearty recognition. The clumsy method of dividing a naval history into "Civil" and "Military" sections, which in England has obtained an unhappy orthodoxy, he boldly discards. Such an arrangement is no doubt easy—it removes great difficulties in the construction of the narrative—but it is slipshod, inartistic and unsound. The civil and the military history are essentially interdependent. Changes of administration are almost always either the result or the cause of new phenomena of action. They cannot be parted and M. de la Roncière is to be congratulated on the success



with which he has grappled the extremely difficult task of keeping them flowing together in one broad stream.

As M. de la Roncière gathers up his threads the work proceeds with a firmer grip and concludes with abundant promise for the excellence of succeeding volumes. Naval students no less than the general historian will acknowledge an especial debt to him for his treatment of French naval action at the opening of the Hundred Years' War, and particularly for his recovery of the attempts to relieve Calais by sea. His account of the Continental system with which Philippe le Bel forestalled Napoleon is an equally valuable contribution, besides a number of other points which are wholly new and wholly admirable. With his conclusions many will of course disagree. Like most Frenchmen he is an adherent of the *guerre de course* as opposed to the *guerre d'escadre*. At the outset of her career as a naval power France, he argues, was uniformly successful with the former, while the latter almost always brought disaster. But he gives no instance where the success of the cruising squadrons materially influenced the course of a war, and many where the victory of the main fleet entirely changed it, and rendered the cruisers practically impotent. On the whole, however, he suffers his national instincts to interfere but little with his historical judgment. Only once or twice is the scholarly effect marred by rhetorical exaggeration—as for instance where he says, “au moindre signe de lui [Philippe le Bel] huit cents vaisseaux de guerre jeteront cent vingt mille hommes dans l'île [England].” Does he seriously mean that at this time France had eight hundred vessels of war capable of transporting each one hundred and fifty men besides crews, horses, and stores? Another instance of a similar looseness is where, on page 14, he mistakes Selden's doctrine of the *Mare Clausum* and cites a French admiral's action off Cape St. Vincent as a refutation of it, although Cape St. Vincent is not in the Narrow Seas. Such blemishes however are few and do little to detract from the value of M. de la Roncière's work—a work which, it is not too much to say, amounts to a resurrection of French naval history, long dead and neglected. A series of excellent reproductions of contemporary shipping pieces forms a distinct addition to the value of a volume which should bring the author the gratitude of foreign students in a scarcely less degree than that of his own countrymen.

JULIAN S. CORBETT.

*La Désolation des Églises, Monastères, et Hôpitaux en France pendant la Guerre de Cent Ans.* Par le P. HENRI DENIFLE, des Frères Prêcheurs, Correspondant de l'Institut. Tome I.: Documents relatifs au XV<sup>e</sup> Siècle. Tome II.: La Guerre de Cent Ans jusqu' à la Mort de Charles V. (Paris: Picard. 1897, 1899. Pp. xxv, 608, xiv, 864.)

THE idea of undertaking this remarkable contribution to the history of the fourteenth and fifteenth centuries came to its author in the course of

his long researches in the Vatican archives in quest of materials for the *Chartularium Universitatis Parisiensis*, and it is to be regarded as "a kind of recreation" from the more serious labors of preparing that monumental work. But Father Denifle seems to take his pleasures seriously—if not sadly, after the manner of Taine's Englishmen—for this product of his leisure already occupies two stout volumes and promises to fill two more. The first volume is given over entirely to the publication of documents, to the number of more than a thousand, illustrating the sufferings and losses of ecclesiastical establishments throughout France during the first half of the fifteenth century. Preceding publications have been used, but most of the texts are new, having been drawn from the registers of papal letters and the still richer series of petitions to the Pope (*regesta supplicationum*), which contain the information upon which the Pope's action was based. The documents are arranged by ecclesiastical provinces and dioceses, with the material of a more general nature massed at the end. That the work of editing has been well done, every one familiar with the *Chartularium* will take for granted. In the author's original plan, the second volume was to contain only the general introduction and indexes, but as the work advanced, it was found necessary to go back and do for the fourteenth century what had been done for the fifteenth. Furthermore, in the absence of any recent history of the Hundred Years' War, the author determined to put together a consecutive account of the military operations, based on a wide examination of the printed sources and monographs as well as on his own gleanings from the Vatican. The result is an extended narrative of the general course of the war down to 1380; the succeeding volumes will utilize the matter published in the first and carry the account to the close of the war.

The second volume, which from the period with which it deals should naturally be the first, is much the more compact of the two. Of the two thousand new documents which Father Denifle has found bearing upon the first forty years of the war, much the greater number are given in the notes rather than in the appendix, and ordinarily in the form of a brief extract or a mere citation. The narrative, too, though often detailed, is never diffuse or wandering. The style is direct and sober, and the French (it is not the author's native language) is, while not elegant, at least clear and correct. There is also much less of the polemical spirit which is so marked a characteristic of the learned archivist's earlier writings. The first six hundred pages are devoted to an account of the military and diplomatic history of the war down to the death of Charles V. It is not a narrative for the general reader—the work as a whole is not for him—but it will be indispensable to the student, because it offers a scholarly summary of special studies that have not before been co-ordinated, and also throws new light on important phases of the war. Henceforth these chapters will be necessary for an understanding of the preliminaries of Poitiers, the history of the Great Companies, the character and career of the "Arch-priest," Arnaud de Cervole, the intrigues of Charles the Bad, and the efforts of Innocent VI. to secure peace. Here, and in numerous lesser

matters, Denifle supplements and corrects writers like Luce, Moisan, and Chérest—and not always simply by the aid of unpublished texts. French writers upon this period have strangely neglected the English chroniclers, even where the Rolls Series has made them easily accessible, and one of the chief merits of the present study lies in its careful sifting of the English and Flemish as well as the French evidence. Industrious use seems also to have been made of the material scattered in town histories and local publications of every sort, as well as of the monographs dealing morespecially with the war itself. The second portion of the volume, dealing with the depopulation of France and the destruction of its ecclesiastical establishments under Charles V., is entirely new. It consists mainly of a résumé by dioceses of the information gleaned from the Vatican, where it is preserved in the papal account-books as well as in the petitions and registers. Many details of the same sort are also scattered through the earlier chapters. The distress seems to have been greatest in the region of Quercy, as we learn, not merely from requests for aid, which might easily exaggerate the need, but from an inquest made by order of the papal *Camera* and published in full in the appendix. From this it appears that out of somewhat more than a thousand benefices in the diocese of Cahors toward the close of the fourteenth century, two hundred and fifty were absolutely valueless because the land had been entirely deserted by its inhabitants, four hundred yielded less than half the sum necessary to support a priest, ten or twelve only had not materially suffered. The papal collectors report a hundred and fifty ecclesiastical establishments in the diocese as unable to pay their dues. In 1382 they could get absolutely nothing from the whole diocese of Tulle.

We must however turn to the first volume for a more complete picture of the ruin wrought by the Hundred Years' War in France. The desolation was greatest in the South, but the author concludes that there was not in the whole kingdom, in the fourteenth century, a church, monastery or hospital that did not suffer more or less from the general disorder. Almost every diocese is here represented, some very fully, and the documents collected illustrate every phase of the war and its results. It is clear that small respect was shown for the churches or their property. Naturally the destruction was greatest in the case of the monasteries and parish churches of the open country, but severe losses fell likewise upon the mendicant orders, whose houses were generally outside the town walls, upon the hospitals, and often upon important cities like Orleans or Carcassonne. At Lihons three hundred of the parish of St. Médard were burnt in the church (No. 21a); at Silliers four hundred lost their lives in the same way (No. 13); at Milly the women and children perished under the molten metal of the church tower (No. 95). The monastery of St. Martin at Sécz was pillaged five times within fifty years, and in its final destruction a hundred and ninety-four persons were killed within its walls (No. 237). In the province of Rheims twenty-six monasteries, and in the province of Sens twenty-five, are mentioned which had been abandoned or entirely destroyed; in many



others only the abbot or abbess was left. By the close of the war, out of a thousand churches in Quercy, not more than four hundred were left in which service could be held (No. 600). Still more significant as showing the ravages of war are the evidences of the enormous decline in ecclesiastical revenues; not only had the property of the churches been devastated and their lands abandoned, but the peasants were no longer able to make their usual offerings. As instances may be cited the collegiate church of St. Omer, whose income fell from fifteen hundred livres to twenty-five (No. 55); the archdeaconate of Tours, from a hundred and fifty livres to ten (No. 245); the monastery of St. Vincent at Le Mans, from a thousand livres to forty (No. 291); the cathedral of Périgueux, from six thousand florins to three hundred livres (No. 395); the monastery of St. Sernin at Toulouse, from sixteen thousand florins to one thousand (No. 492); that of La Grasse, near Carcassonne, from thirty thousand florins to six hundred (No. 534); the cathedral of Chartres, from between eight and ten thousand livres to only seven (No. 962).

The decline in revenues and the disturbed condition of the country could not fail to affect seriously the discipline and life of the French church. In a great number of benefices it was no longer possible to support a priest, and it was alleged that this state of affairs had become common in several dioceses (Nos. 25, 135, 150, 172, 733, 994, 1014). Sacred edifices were occupied by troops or turned to secular uses; the bishop of Périgueux complains that the churches of his diocese have become as dens of thieves (No. 394), while the monks of Déols can neither meditate nor pray with a quiet mind because of the cries of the women and children who live in their church (No. 573). The bishops were unable to make their regular visitations; indeed non-resident prelates seem to have become the rule rather than the exception (No. 1029). Again and again priests appear as serving in the army and committing various depredations. The disorders among the regular clergy were quite as serious. It was impossible to keep up the machinery of general and provincial chapters and regular visitations. Unable to live from the resources of their monasteries, the monastic communities were broken up and the monks and nuns scattered over the country. A curious example of the dangers to which they were subject is seen in the petitions of the Premonstratensians of Boulogne and the Cistercians of Ourscamp to be allowed to adopt a black habit, on the ground that their prescribed dress offered too shining a mark to wandering soldiers (No. 1044).

It is easy to multiply quotations from such a mass of interesting material, but perhaps enough has been said to show the importance of the documents here published. Besides the light they throw on the ecclesiastical and social conditions of the whole country, they are of much value for local matters, such as the succession of bishops and abbots, the history of church edifices, the current traditions concerning saints, etc. Tales of relics there are, too; we learn that at least five different places in France claimed to possess the relics of Christ's circumcision (No. 414):

According to Father Denifle, the archives of the Vatican contain information of the same sort concerning the religious establishments of Bohemia in the time of the Hussite wars and those of Scotland during the border conflicts. Certainly this and the texts relating to other European countries in this period ought to be published. The effects of war and pestilence contributed so largely to the decline of the church in France in the fifteenth century that one is naturally led to inquire whether, in other parts of Europe as well, the disorders of the age were not responsible for some of the evils which are usually attributed to the inherent defects of the medieval ecclesiastical system. Be this as it may, we certainly need much fuller knowledge than we have of the conditions which prevailed under this system in parish, monastery, and hospital. Every year brings new material from local archives, in the form of visitations, bishops' registers, court records, account books, and the like; but there is also much of value at Rome, and if we are ever to understand the medieval church, we must draw largely upon documents such as Father Denifle has here given us, published, as he edits them, without suppression and without apology.

CHARLES H. HASKINS.

*Desiderius Erasmus of Rotterdam.* By EPHRAIM EMERTON, Ph.D., Winn Professor of Ecclesiastical History in Harvard University. ["Heroes of the Reformation" Series.] (New York: G. P. Putnam's Sons. 1899. Pp. xxvi, 470.)

THE reviewer of Professor Emerton's volume on Erasmus is beset at the start by a temptation so serious that he must claim credit for even partially resisting it. "Why should Erasmus be ranked among the 'Heroes of the Reformation'?" This question, which immediately leaps to the lips, might be debated at such length that little space would be left for the discussion of any other topic. We pass it by, with two comments only. Professor Emerton has a witty reference in his preface to the seeming contradiction and, secondly, the title of a comprehensive series can hardly be accurate in all its applications. We shall not cavil at the inclusion of Erasmus among the "Heroes," nor even grudge Cranmer his place in the same list. The main fact is that this study is restricted by the nature of the general scheme into which it enters. It is less an independent sketch of character, pursuits, purposes and results than a striking essay on one aspect of a many-sided life. Professor Emerton has shown more conscience than is displayed by the majority of contributors to works of literary co-operation. He conforms to the aim of the enterprise, and does not go beyond it either for the sake of airing a hobby or for mere display. He is concentrated, direct and effective.

Why is Erasmus viewed with admiration by so many persons at the present day? Since the seventeenth century his books have been read by the learned alone. He founded no sect or school. He was not a man of daring or of uncommon generosity. To be sure, he enjoys a



reputation for humor, but though Bailey's translation of the *Colloquies* was reprinted not many years ago, it can be bought cheaply from the second-hand dealers. Yet who has not heard the remark thrown across a dinner-table: "If I had lived in the Reformation, I should have sided with Erasmus?" And such speeches do not come simply from those who have but a general knowledge of the period. A scholar like Charles Beard can say: "Nothing can well be more unjust than to find fault with Erasmus for not being Luther, or even for unwillingness to place himself at Luther's side." Indeed, while Erasmus may not yet have joined the "Heroes," he has, in an age of tolerance, become one of the most popular of historic figures.

Upon the rosy view which invests Erasmus with the wit of More, the calmness of Castellion and the disinterestedness of Spinoza, Professor Emerton's book will come with a shock. We have said that it is not primarily a character sketch. "Its function," runs the preface, "is to deal with Erasmus as a factor in the Protestant Reformation of the sixteenth century. With the very peculiar and often elusive personality of the man it has to do only in so far as it serves to suggest an explanation of his attitude towards the world-movement of his time." Still Erasmus was fifty years old at the date of the Wittenberg theses. His habits, methods and opinions were, broadly speaking, fixed, and his relations with the Lutheran Revolution were determined by his temperament. Professor Emerton is not in the strict sense a biographer but he must, perforce, give up a great part of his space to personality. And it is his revelation of faults, foibles and insincerities which will produce the deepest impressions.

Professor Emerton judges Erasmus not by the opinion of his contemporaries—still less of later writers—but by his own works, and most of all by his letters. It must be admitted that the truth is not always obtainable from this vast bulk of correspondence. For instance, Erasmus often calls Paris "that Gallic dunghheap" and in the *Colloquies* assails the Collège Montaigu most bitterly. But when Budaeus invites him to join the circle of scholars which Francis I. is forming, he remarks, without committing himself to an acceptance: "I will only say at present that Paris was ever dear to me on many accounts." But while Professor Emerton shows that the word of Erasmus cannot be trusted where the writer is an interested party, a careful comparison of the letters will yield the means of testing his straightforwardness, honesty of friendship, gratitude, independence and other essential traits of character. Such was the bitterness of the Reformation age, such its rashness of invective that a sympathizer with Erasmus might be little moved by the attacks of Luther, Scaliger or even Ulrich von Hutten. Of all possible blows at his reputation the most damaging one is Professor Emerton's use of the "deadly parallel."

Admirers have never denied Erasmus's lack of physical courage, but many will grieve to know that he is now made out by the revelation of his own words a liar, a self-advertiser, an ingrate, and a persistent beggar



if not a "sponge." Proof of shortcomings is not Professor Emerton's real aim, and so the accumulated illustrations which he gives must be passed over. We will only say that Erasmus could tax the patience of a generous and true friend like Colet (p. 196). We now come to the central question of the book. Having examined the nurture and devious methods of Erasmus, it must be asked, "How did he view the moral and religious questions of his revolutionary age? How far was he intellectually and personally honest in his dealings with Reformers and Romanists?"

Professor Emerton does not, we judge, doubt the existence in Erasmus of a true reforming instinct. He distinguishes between a best self and one which, by implication, is considerably less than best. The inferior Erasmus praises Leo X. during his lifetime but slights his memory during the pontificate of Adrian VI. The same man when stirred by his higher impulse writes the *Enchiridion*, incurs blame of great churchmen by the *Praise of Folly* and, more important still, edits the *Greek Testament*. "It was clear to him that his age had wandered far from the foundations of these [existing church] institutions. His remedy was to point out to men how widely they had erred, and to show them once more in plain and direct language the true foundations of a Christian life." He avoided a quarrel with institutions, not simply because he dreaded the consequences to himself, but because he believed that the root of the evil lay in wicked men rather than in the systems with which they are connected. Fiercely as he assailed monks, he could praise the life of contemplation and admit the existence of many good Christians among the regular orders. Long before the appearance of Luther he had acquired the habit of looking at things from every point of view, and regarded particular circumstances with the acuteness which the Jesuits soon after put into their casuistry. What Professor Emerton calls "the Erasmusian If" was not developed through a sense of time-serving in the early days of the Reformation. It is traceable to original disposition, long habit and mature conviction.

Erasmus refrained from accepting the advice of Albert Dürer and did not secure the martyr's crown. The most that Professor Emerton can say on his behalf is that he followed the law of his nature and intellectual temper. Accordingly, he was not, in the main, dishonest. But was he praiseworthy? For Professor Emerton's opinion at this point we must turn to his comment on Hutten's *Expostulatio*: "Although called out by a personal attack, the *Expostulatio* keeps itself throughout on higher than personal grounds. It is not an apology for Hutten; it is a fierce outburst of honest indignation against a man who seemed to be throwing away a noble mind and conspicuous gifts through lack of courage and simple honesty. . . . If Hutten made the mistake which so many have made since his time of asking from Erasmus a kind of service for which he was by nature unfitted, it was a mistake which honors him who made it. The time for balancing good and evil had gone. If anything was to be done, it must be by the united action of all who were in substantial agreement upon the great essential questions of the hour." Professor

Emerton does not judge Erasmus, after 1517, by a standard of ideal excellence to the neglect of his previous career and sentiments. He only laments that he should not have risen to the height of his chances. Incidentally he did much for the Reformation, but with greater robustness of soul—not body—he might have done so much more!

We have tried to define Professor Emerton's attitude towards two or three of the main problems which are raised by mention of Erasmus's name. A word should now be said regarding the palpable merits of this study. One must not only have steeped himself in the ten folios of the Leyden edition before he writes of Erasmus. He needs clearness of thought, a systematic knowledge of the Reformation period, and a ready wit. Professor Emerton possesses the qualifications which have just been mentioned to a quite remarkable degree. His lightness of touch is equally unusual and attractive in its application to such a theme. Law and theology are not supposed to be the two most vivacious subjects in the world, but Madame du Deffand could criticize Montesquieu's masterpiece in the phrase, "de l'esprit sur les lois." One does not slight Professor Emerton's erudition in saying that he has written of the part which Erasmus took in the Reformation with a brightness which is due to Erasmus and which is seldom seen in treatises on the Reformation.

*Calendar of Letters and State Papers (Spanish) relating to English Affairs.* Vol. IV. Elizabeth, 1587-1603. Edited by MARTIN A. S. HUME. (London: Printed for Her Majesty's Stationery Office by Eyre and Spottiswoode. 1899. Pp. lxxviii, 782.)

THE documents in this volume are, the editor informs us, chiefly derived from "the correspondence and reports of Spanish ambassadors, agents and other officers, existing in the Archives at Simancas and amongst the papers abstracted therefrom, and now preserved in the Archives Nationales in Paris, with the addition of a few documents from the British Museum and other national depositories." In nearly every case the original MS. has been transcribed by the editor's own hand and care has been taken "to retain almost literally everything of importance likely to interest students of English history." The reports of Mendoza on English affairs, less direct and doubtless less valuable since his expulsion from England, cease altogether in the spring of 1591, the year in which his stormy life ended, so that the "invaluable and copious Spanish diplomatic correspondence, which has done so much to illuminate English Tudor history, was practically suspended from 1590 to 1603." The documents relating to the closing years of Elizabeth's reign, though of great importance, yet lack, as Major Hume complains, "the continuity and completeness which characterize the correspondence up to the end of 1590."

It is but justice to call attention to the cleverness and life of Major Hume's translations and paraphrases, to the helpfulness of the footnotes and to the energy and patience required to select, translate and edit the enormous number of documents in the four volumes of this Elizabethan

*Calendar.* The present volume alone contains 746 documents, a lavish feast for the student of the time. The papers are not all unknown. Some of them may be found in Teulet and Duro, while extracts will be familiar to readers of Motley and Froude. The more Spartan type of investigator will not forget that Major Hume's documents are translations and will doubtless, in dealing with some of the riddles of the period, wish occasionally to see the original of a crucial phrase. But the whole object of the *Calendar* was of course to make the Spanish material available to a wide range of English readers.

The volumes of this *Calendar*, with their masses of historical information and the editor's brilliant introductions, are already so well known that it is scarcely necessary to emphasize their importance. This fourth volume is no exception. Indeed there are reasons which make it the most interesting of the series, since it deals with the many-sided history of the Armada period and with the years between the Armada and the Queen's death, that uncanny gap between the end of Froude and the beginning of Gardiner, across which some modern historian, helped by Major Hume's materials, would perhaps do well to build a solid bridge. One is disappointed, however, not to find in this volume more documents relating to the continuation of the naval war after 1589, especially perhaps to the great English expedition against Cadiz in 1596. The editor could no doubt give satisfactory reasons for thus disappointing us. Some of the documents relating to the naval history of this period are used in the third volume of Duro's *Armada Española*, which, however, very probably appeared after Major Hume's volume had been sent to the printers.

The interest of the volume centres chiefly, however, in the Armada, which from the political standpoint may perhaps fairly be called the culmination of the reign. To be sure the history of the Armada can with little exaggeration be said to include the political and religious history of the whole reign, the history, that is to say, of the slowly evolving struggle between England and the powers of the Counter-Reformation, of which Philip II. gradually secured the supreme direction, emerging after many years from the dark confusion of plotters as the one great foe-man. Yet the present volume is a focus of slowly converging rays which shed a full light upon the most conspicuous national event of the period. The year at which the volume opens, hardly less tragic than 1588, saw the execution of the Queen of Scots, which flung defiance in the face of Catholic Europe, and the descent of Drake upon the coast of Spain, which showed that England had the spirit and the strength to answer for the deed with her sword. To our information regarding the actual fighting against the Armada, in the next year, Major Hume adds not very much that has been hitherto absolutely unknown. The most vital documents were already available in Duro, while several of Major Hume's documents, omitted by Duro, had been used by Froude. Those, however, who have not the time nor the zeal to consult the originals, will find here in lively English the Spaniards' own version of their defeat. The



documents in this *Calendar*, however, not only give English readers the Spanish side of the story, told from the English point of view by Laughton's *State Papers*, but will help them toward a solution of many important historical problems, which present themselves in connection with the events of 1588, such problems as the attitude maintained toward the Enterprize by the Guises, the Pope, the King of France, and the Duke of Parma. This volume also illustrates the peculiar relation in which Philip stood to Mary Stuart and also the behavior and plans of the Scottish Catholic nobility in reference to the Spanish invasion of England. It illuminates, and perhaps solves, the further question whether Stafford, the English ambassador in Paris, was a real traitor, a question of far more than merely biographical interest.

Though the Armada is the culmination of the volume, as in a sense it was the culmination of the reign, it caused no sudden break in the plans of the morbidly tenacious old hermit king. The great struggle for the supremacy of Spain and Spain's religion continued everywhere; the Enterprize of England was a dream still cherished. Indeed the failure of the Counter-Armada of 1589 gave Philip some reason to believe that Heaven had not "for his sins" deserted him. But Spain's efforts were but the flaring of a dying fire. Even her successes were but the negative successes of defence. There was much talk in the late years of Philip and even after his death, of renewing, with better fortunes, the undertaking against England, but the new Armadas perished as hopelessly as the first, although the Spaniards effected an alarming junction with the forces of the rebel Tyrone.

For five years after Philip II. had sunk baffled and beaten into his orthodox grave the great heretic queen, who, with her hardy, sacrilegious islanders had done so much by sea and land to shatter his power and awaken him with cruel relentless buffetings from his dazzling dreams of empire, clung half unwilling to life. With her death the great struggle closes. Though the affront to Catherine of Aragon and the Church, and the blows dealt by the daughter of Henry VIII. and Anne Boleyn to the Spaniards' hopes of subduing the world to God and their king were unavenged, peace reigned at last between the world-wide empire of the past and the world-wide empire of the future.

W. E. TILTON.

*The Life and Campaigns of Alexander Leslie, First Earl of Leven.*

By CHARLES SANFORD TERRY, University Lecturer in History in the University of Aberdeen. (London and New York: Longmans, Green and Co. 1899. Pp. xix, 518.)

FROM the frontispiece of this substantial volume looks forth a man's face of a type quite different from that of his master in the school of war, Gustavus Adolphus, whose medallion hangs upon his breast. A distinctly gross figure, lacking dignity except as clothes may give it, and with a face indicating common origin and one would almost say, an in-

clination to cruelty. Part of the story told by the portrait is true ; part of it is not. Alexander Leslie was the illegitimate offspring of a cadet of an ancient race ; his mother was a "wench in Rannock." Born in 1582, in an age when "men fought for the love of fighting," if ever there was such an instinct, he early drifted to the Continental scenes of war, and eventually to the field where the great Swede was later to save Protestantism. Possessed neither of exemplary virtue nor of glaring vices, he was a canny Scotchman with his own way to make, who sought for a training in war unknown to the England of that day and, as was natural, when the time came made his profit thereby.

Leslie's early career is obscure, but in 1605 he had risen to be a captain in a Dutch regiment ; he later entered the service of Sweden, and in 1628 made himself a name by his obstinate defense of Stralsund against Wallenstein. Though he was not of those who rose to great distinction under the Protestant Hero, Leslie's services were highly esteemed by the King ; and he remained six years in Swedish employ after Gustavus's death at Lützen. With true Scotch thrift, after thirty years' labor as a soldier of fortune, Leslie was able to return home with abundant means.

Rather than what its title indicates, this volume is a detailed narrative, from original documents largely, of nine years of Leslie's career—1638 to 1647. In this period, however, fall Newburn, Marston Moor and the sieges of York and Newcastle, so that much interest attaches to the minute account of this part of his life. The book, however, deals more extensively with politics than with warfare.

With the wealth and the experience of war he had acquired, Leslie returned to Scotland. The one served to buy an earldom, and the other to place him in high military command during the interesting period when Charles, the Parliament and Scotland each maintained an army on British territory. From the First Bishops' War to the surrender of the King by the Scots, Leslie played a highly respectable rôle. Nothing about the man savors in the remotest degree of the divine afflatus which we look for in the captain ; neither had he a weighty voice in the political imbroglios ; but he won a complete, if easy, victory at Newburn, where he outnumbered the English at least three to one ; at Marston Moor he not only marshalled the allies but yielded distinct help towards winning the battle which gave the name of "Ironsides" to Cromwell's troopers ; while at Dunbar he recognized plainly that he was beaten, and decamped in good season from his encounter with Cromwell, whom long before he had shrewdly discovered to be his superior.

Marston Moor is treated much at length by Mr. Terry, without, however, giving a very distinct picture of the battle. An archaeologically interesting chart of the battle (Prince Rupert's own sketch) somewhat confuses the narration ; for while it shows how the troops were paraded for battle, it interchanges the points of the compass. To be readily understood by the reader, battle charts should be drawn, as maps are, north and south. Now Rupert's army faced substantially south, and in the sketch it is shown facing up the page, *i. e.*, north—a natural method



of placing troops by one who has himself commanded them, but puzzling to the average reader.

Newburn was but a skirmish and a rout. Marston Moor was a battle with heavy loss, and some notable feats of arms; for Cromwell's brilliant conduct on this field is not in its way superior to the splendid gallantry of Newcastle's White Coats, who, like Fuentes' Spanish "battle" at Rocroy, stood their ground until a bare thirty of them were left. The Royalists, out of 17,500 men, lost some 3000 killed—largely by this massacre. The allies' loss was trivial. Mr. Terry claims for Leslie a marked credit in Cromwell's work. No doubt this credit is fairly awarded; it is, however, certain not only that the initiative which won the battle was Cromwell's, but that Leslie had no such *coup d'œil* or *go* in his make-up.

The chapter detailing the surrender of Charles to the Scotch, and their subsequent sale of their king to the Parliament for six months' pay, is a sad page in English history. Our modern advocate of British games will however be interested in knowing that the Earl of Leven, who was in constant waiting upon His Majesty, helped to enliven the King's and his own tedium by many a game of "Goffe."

Leven's later years are dismissed in a short chapter. The volume indeed gives scant notice to Leslie until as Field Marshal he reaches Scotland, an "old, little crooked souldier" of fifty-six years; nor is much more awarded to the Earl of Leven as Lord General from the age of sixty-five until he died at seventy-nine.

Leven was never long out of the harness. At seventy he asked to be relieved from command, pleading "waiknes, the unseparable companion of old aige," but was persuaded to remain "to be only redy to geive his best advyse." In 1651 he was captured by a raid of Monk's cavalry, sent to London and confined in the Tower. Queen Christina interposed in his favor and he was three years later restored to his estates.

To Leslie war was a trade and not, as to Cromwell, a means to a political end. Few soldiers of fortune accumulate wealth. He did, and by many contemporaries he was accused of questionable methods. His conduct also was impugned at Marston Moor and Dunbar by some of his enemies; but no man lacking courage could so long have served under the earnest eye of Gustavus Adolphus.

There is much between these covers which adds to our knowledge of the troublous period from 1638 to 1647; but the volume is scarcely a Life of the Earl of Leven. Nor could it fairly be claimed that Alexander Leslie is deserving a book of 500 pages.

The type and the general get-up of the volume are excellent. More than half the contents consists of extracts and letters, of varying interest, but valuable. The style is direct, but necessarily interrupted by these inserts. As a contribution to the political history of the nine years it covers it shows a perfect *raison d'être*. As a contribution to military history it shows less.

THEODORE AYRAULT DODGE.



*The English Radicals, an Historical Sketch.* By C. P. ROYLANCE KENT. (London and New York: Longmans, Green and Co. 1899. Pp. xii, 451.)

MR. KENT dates the beginning of Radicalism in England at 1769, and carries his sketch of the development of the Radical party down to the Reform Act of 1885, and to the beginning of the new Radicalism—the Radicalism which as he clearly shows has so little in common with the Radicalism of which, in the last three decades of the eighteenth century, Wilkes and Horne Tooke, Priestley, Jebb, and Paine were the foremost exponents.

The introductory pages of Mr. Kent's book are a little unfortunate in that they give the impression that he had fixed a certain year as that in which Radicalism first began to be a force in English political life, and had then pushed forward his research with but little regard for the political history of England prior to the interesting and eventful period with which he is concerned. With the enormous mass of literature of the period between 1769 and 1885, and especially with that from 1769 to 1832, he shows a most thorough acquaintance, and has turned the sources available to scholarly account. It is hardly possible to name a memoir or a volume of letters covering the period between the American Revolution and the Corn Law movement on which Mr. Kent has not drawn. About the only conspicuous omission from his authorities is Mrs. Grote's *Life of Sir William Molesworth*. That book was privately printed; and soon after it was distributed, the friends of Sir William Molesworth made great efforts to possess themselves of all the copies, and with so much success that it was not until about 1896 that a copy found its way into the British Museum Library. A reading of this biography would have helped Mr. Kent to a better estimate of Molesworth's place in the Radical party as it existed from 1832 to 1840, and he would have learned that Molesworth became a Radical not from any appreciation of Radical principles or Radical aims, but to revenge himself for social rebuffs.

Mr. Kent does not cite either Hansard's *Parliamentary History* or Hansard's *Parliamentary Debates* among his authorities. Familiarity with Hansard's *Parliamentary History* might have made him a little more exact in dealing with Lord John Russell's bills for parliamentary reform between 1819 and 1822; and might have altered his estimate of English journalism in the early years of this century. He asserts that at this period parliamentary reporting was very poorly done. Hansard's *Parliamentary History* was compiled from the newspaper reports of this period; and twenty or thirty years before the imprisonment of Burdett and John Gale Jones in 1819, men in public life famous as letter-writers, who usually wrote fully to their correspondents, excused themselves from writing of Parliament because the newspaper reporters were then giving all there was to be told of the proceedings at Westminster. Parliamentary reports were not nearly as full as they are today; but the reports which appeared

in the *Morning Chronicle* for instance, during the many years when Perry was editor, could not be described as being poorly done.

There are several statements in Mr. Kent's introductory pages which warrant the impression that while he read forward with all possible care and diligence from the time when the Radicals came on the scene, he took small account and made but a limited research into the parliamentary history of England prior to that time. He states that before the Revolution of 1688 the Crown despised the House of Commons, and disdained to buy its votes by bribery and corruption. There never was a time from the period when the House of Commons controlled supplies when it was neglected or despised by the Crown. Had the Crown despised the House of Commons it would never have interfered in elections as it did for a century and a half previous to the Revolution. George III. is described by Mr. Kent as "an excellent country gentleman." He was much more than a country gentleman. He was one of the best political organizers of the eighteenth century. He was one of the shrewdest and most able bosses who ever sought to control the House of Commons; and unlikeable as a boss may be either in this country or under the old parliamentary system of England, it has to be said of George III. that he was an eminently successful boss; and to be a successful boss demands unflagging industry, and abilities not usually to be found in an excellent country gentleman. With the mass of material now accessible for forming a judgment of George III., there is little excuse for repeating the long outworn story that he was "only an excellent country gentleman who had been called by fate to rule an empire."

Again, Mr. Kent makes the statement that the efforts of the earliest Radicals were directed not against the House of Lords nor even primarily against the Crown, but against the House of Commons. It was the power unconstitutionally exercised by the Crown over the House of Commons which made the agitation for parliamentary reform general about the time of the American Revolution, and by no one was the nature of this movement better understood than by the King himself. Boss-like he opposed the uprooting of any corruption which would have lessened in the least degree the control he exercised over the House of Commons, whether it was the abolition of redundant and useless offices; the constitutional method of bestowing the Chiltern Hundreds; the removal of the determination of controverted election cases from recklessly and notoriously partisan tribunals to Grenville Committees; or the movement for the general reform of the electoral system. Mr. Kent furthermore overlooks the part which the American Revolution had in originating the movement for economy and parliamentary reform. Radicalism of the period later than Wilkes's conflict with the House of Commons and the controversy over the publication of parliamentary debates centered about these two movements; and the direct influence of the American Revolution in the origin of both these agitations cannot be ignored in a history of Radicalism.

When Mr. Kent settles down to his special period nothing but praise can be meted out to the style in which the book is written; to its arrange-



ment; and to the way in which he has handled the vast amount of material which he had at his command. He divides the century and a quarter covered by his survey into three divisions. The first period is from 1761 to 1789, from the beginning of the reign of George III. to the French Revolution. The second is from the French Revolution to the Reform Act of 1832; and the third from the first reformed Parliament to the Reform Acts of 1884 and 1885.

In the first period the exponents of Radicalism were Wilkes and his associates of the City of London; Horne Tooke, Mrs. Macaulay, Jebb, Price, Priestley, and Cartwright; and in this period the aim of Radicalism was popular control of the House of Commons. During this period it was a middle-class movement, in the hands of a few outspoken and daring men. There was then very little public speaking. The orator was not yet prominent among the radicals; and the master minds of the first period of Radicalism were pre-eminently pamphleteers. In the second period Paine, Godwin, Hardy, Thelwall, Holcroft, Bentham, James Mill, Ricardo, Grote, Burdett, Hume, Place, Cobbett and Hunt were the foremost Radicals; and Radicalism still concerned itself with electoral reform and economy. In this period it was a more popular force than from 1761 to 1789; and it was during this period that the Radicals dissociated themselves from the Whigs. The third division of Mr. Kent's study, from 1832 to 1885, covers the period when the political England of the nineteenth century may be said to have been in making. In this period the leaders of Radicalism were John Stuart Mill, Roebuck, Attwood, Lambton, afterwards Lord Durham, Sir. J. C. Hobhouse, and T. S. Duncombe; Feargus O'Connor, James Bronterre O'Brien, Ernest Jones, Thomas Cooper, and William Lovett of the Chartist movement; and Cobden, Bright, Gibson, Villiers, Stansfeld, and Potter, of the Corn Law movement and of the Manchester school.

Mr. Kent gives brief but vivid pictures of all the prominent men of the three periods of Radicalism, and from their writings or speeches brings out what each stood for in the particular phase of the Radical movement in which he had a part. He brings out with admirable clearness the altering character of the movement; and shows also how from the time of Wilkes the locality of the strongholds of Radicalism changed. The City of London was its stronghold in the time of Wilkes. Later on when Burdett was so much to the fore, and Place was so continuously active, Westminster was the stronghold of Radicalism. In the closing years of the long agitation for Parliamentary Reform the centre was shifted to Birmingham; and finally it moved to Manchester, which may not inaptly be described as the last home of the Radicalism with the history of which Mr. Kent's book is concerned.

It is not possible to credit Mr. Kent with entire accuracy of statement, even in the period to which his study has been most closely devoted. At page 159 he writes of Fox as a member of the Society of Friends of the People. Fox was never of the Society. At page 192 he states that at the time Bentham was writing, serious books were little read



in the United States. He gives no authority for this statement, which is not in keeping with the comparatively large importations and the frequent reprinting of books covering the field of political science, which marked the intellectual life of this country from the Revolution until well on towards the middle years of this century. At page 311 Mr. Kent states that Lord John Russell moved his resolution that corrupt boroughs be disfranchised and that the great towns and counties should be more fully represented in the same year, 1819, in which Sir Francis Burdett unsuccessfully moved for an enquiry into the state of representation. In 1819 Lord John Russell introduced his bill for the disfranchisement of Grampound; but it was not until 1822 that he laid his larger proposals before the House of Commons. Again at page 430 Mr. Kent states that "the Compensation for Accidents Act" was passed in 1896. The Workmen's Compensation Act was passed in 1897.

Mr. Kent is at his best in reproducing the spirit and color of the literature of the Radical movement; and his survey of this field, and his excellent presentation of the position of the several schools of Radicalism, and of the individual positions and opinions of the foremost exponents of these schools, would alone make his book of great value. There was a distinct place for the history Mr. Kent has written. The only books hitherto published treating of the history of the Radical party were Harris's *The Radical Party in Parliament*, and Daly's *The Dawn of Radicalism*. Neither of these covers the entire field. Mr. Kent's *English Radicals* does. It covers the movement in and out of Parliament; its literature; its journalism and its agitations; and it covers it in a way that cannot fail to be helpful and satisfactory to students of English party history since the middle years of the eighteenth century.

*How England Saved Europe.* The Story of the Great War, 1793-1815. By W. H. FITCHETT, B.A., LL.D. Vols. II., III. and IV. (New York: Charles Scribner's Sons. 1900. Pp. viii, 326; ix, 419; viii, 435.)

IN these volumes Dr. Fitchett brings to a close his work on the English wars in the period of the French Revolution and of Napoleon. Volume II. deals professedly with the naval operations from 1801 to 1808. It opens with Bonaparte's flight from Egypt to France and his establishment in the Consulate in 1799, but the narrative in the second, third and fourth chapters turns aside to English military operations on the Continent and in Egypt from 1799 to 1801. The relevant portion of the fifth chapter is largely a repetition of the first. The sixth summarizes the European situation in 1800. In the seventh chapter the reader first reaches the real topic of the volume in the Baltic operations against the Armed Neutrality. Apparently this unhappy arrangement is due in part to what has been a fruitful source of other defects in this work: with his history of the war the author, unconsciously perhaps, has attempted to combine a biography of Napoleon. The result is neither a

history nor a biography; it is proof that two paintings upon a single canvas are equally impossible in literary and pictorial art. This disarrangement in Volume II., aside from any question of its origin, is a typical instance of the disorder which characterizes Dr. Fitchett's work. Volumes III. and IV. are entitled respectively, "The War in the Peninsula" and "Waterloo and St. Helena," yet the first six chapters (78 pages) of the latter treat of the Toulouse campaign in 1814. Again allusion is frequently made to events as yet unnarrated; in fact general conclusions based upon these usually introduce the narration and are repeated at length and at random throughout it. Unfortunately these generalizations are not always trustworthy. At several points in this struggle Dr. Fitchett believes that a slight variation of the existing circumstances would have permanently affected subsequent history; on the contrary this entire contest is a striking proof that individuals and single circumstances even of the highest importance may retard, or hasten, but cannot alter the trend of history. ?

The grotesqueness in diction noted in the criticism of Dr. Fitchett's first volume is considerably abated here without disappearing entirely. To describe General Cuesta, Wellington's Spanish colleague in the Peninsular command, as having "all the obstinacy and not quite the intelligence of a Spanish mule," seems a trifle severe, and one can only imagine with what trepidation a respectable peninsula, such as the Peniche, will learn that it is jutting out from the mainland "like the bulbous nose on a drunkard's face." In allotting space to individual topics, a point distinct from the ordering of the narrative, the author appears to have been guided rather by a patriotic instinct than by reason. Twenty pages are devoted to the first bombardment of Copenhagen, in 1801. Of the second, in 1807, Dr. Fitchett is not equally proud: it is dismissed with two notices at an interval of twenty pages, the first of eleven, the second of thirty-eight lines, and ten of these record the trivial circumstance that the horse which carried Wellington at Waterloo was born on this expedition. The touch is characteristic. For the sake of an anecdote Dr. Fitchett interrupts at any moment the narrative proper.

In general one may say of this work that its author, as an historian, has many faults and some virtues. He brings enthusiasm to his task, and he is not consciously unfair—he gives the Prussians considerable credit for the result at Waterloo; but he is careless in composition, his judgment is perhaps rather hasty than superficial, and he is a victim of exaggeration and of prejudice. His work is an arsenal of anecdotes which may amuse. It is not history, and the vain-glory which it breathes and will inculcate, is not the spirit which has created the British empire and alone can preserve it.

H. M. BOWMAN.

*The Collapse of the Kingdom of Naples.* By H. REMSEN WHITEHOUSE. (New York: Bonnell, Silver and Co. 1900. Pp. 372.)

THIS is a work which should interest the general reader not less than the professed student of history. For while it is written in popular style,—occasionally, indeed, one might object to a too journalistic phrase,—it gives, for the first time in English, an excellent epitome of much diplomatic and political history. The decay and downfall of the Neapolitan Bourbons pointed one of the most solemn morals which this century has had unfolded to it, and the new generation needs to be reminded that internal corruption much oftener than external violence brings ruin to states. Mr. Whitehouse, after a brief survey of affairs in Naples down to the Revolution of 1848, tells the story of Bomba's reactionary government between 1850 and 1859, when year by year the growing prestige of Piedmont formed a growing menace to the very existence of the southern kingdom. He shows how Naples, not less than Piedmont, had a chance to take the lead, but through blindness threw it away; and then how, during the first year of the brief reign of Francis II., Naples might have become joint leader with Piedmont, but again threw away her opportunity, with the speedy collapse and extinction of that Bourbon house. Mr. Whitehouse draws well the picture of the irresolute Francis II., and of his incompetent advisers and the all-powerful Camarilla. The clearness with which he unravels many tangled diplomatic threads, gives his work even more distinction as a contribution to history. In 1860, Naples was the centre where the dynasty was trying to maintain itself, whilst Napoleon III. intrigued for a Muratist restoration, Cavour for the ascendancy of Italian Liberal principles, the Sicilians for Home Rule, the Garibaldians and Mazzinians for various shades of republicanism. To trace the interaction of these various conspiracies—for such, in truth, they were,—required an unusual historical gift.

Mr. Whitehouse sticks so honestly to his subject, that he does not allow even Garibaldi's expedition, so rich in romance and adventure, to lure him from it. He keeps the decadence of the Bourbons in the foreground, and treats all other events bearing on it as subsidiary. He would have done well to have included an account of the Camorra in his general survey of Bomba's government, for the Camorra was actually behind the police, the army, the judiciary, and the cabinet, and reached to the King himself. Only in New York City under Tammany and Platt has civic and criminal corruption been so perfectly organized as under the Neapolitan Bourbons. Mr. Whitehouse, however, has no desire to be sensational. Even of Bomba he can speak with evident fairness, and he does not fall into the common habit of describing the Neapolitan Liberals as all heroes and the other parties as all cowards or miscreants. If he had cited his authorities his work would have a better chance of gaining the immediate attention of readers who judge histories by their footnotes; but those readers who know the authorities will not need to be told that Mr. Whitehouse has used them to good purpose and has pro-



duced a work worthy of serious attention. We cannot excuse, however, the lack of an index.

W. R. T.

*Child Life in Colonial Days.* By ALICE MORSE EARLE. (New York: The Macmillan Co. 1899. Pp. xxi, 418.)

OUR accomplished author has carried her studies of our early history into an interesting as well as instructive field. In her own attractive way she sets forth a mass of information gathered from the scattered records and memorials of child-life in the first two centuries of American and especially of New England experience. The book is mounted elegantly, and is amply illustrated in every pictorial detail.

The most interesting pictures are the so-called portraits of children. Labelled from two to thirteen years, they often put forth the adult expression of twenty to thirty years. Childhood by all canons properly consists in a beginning or even suggestion of knowledge and experience. On the contrary, these owlish creatures have the look of a sawed-off shotgun. They seem to have begun life at the wrong end. Something of this is due to the conventional methods of local artists. But the processes of education and discipline revealed in these pages would indicate deeper reasons for introverted innocence in tender years. As might be expected, Copley's portraits are much the best, and they occasionally put forth a gleam of actual childhood.

A few boys' letters—among which John Quincy Adams's are excellent examples—reveal true life. Why do boys write better letters than young girls? The diaries are, as usual, meagre and frigid representations of the experience treated by the writers. There is one happy exception in the work of Anna Green Winslow, a maiden of twelve years in 1771. Her sensible aunt had prescribed that such misses "cant possibly do justice to nice Subjects in Divinity." The consequence of this sagacious advice was an actual account and picturesque expression of girlish life. In the miniature, her expression does not differ from others, except in dainty breeding. A face of twenty-eight years looks out from beneath an enormous head-dress or "notions" thus quaintly described (p. 59): "Aunt put it on and my new cap on it; she then took up her apron and measur'd me, and from the roots of my hair on my forehead to the top of my notions, I measur'd above an inch longer than I did downwards from the roots of my hair to the end of my chin."

Locke's political and social influence, though perceived, has not been appreciated sufficiently in rendering the life of New England. It would be interesting to trace out, wherein this sturdy rationalist served to rescue Puritan life from its own excesses, and to open the way toward a broader culture. Mrs. Earle found abundant evidence (p. 24) that his *Thoughts on Education* was "the most universally circulated and studied of all eighteenth-century books save the Bible" in New England. Her whole treatment of education and discipline, with the illustrations of horn-books, primers, stories and needle-work, is thoroughly interesting, and

brings up the seventeenth and eighteenth centuries in a vivid and lucid way. The tyranny of the discipline was something incomprehensible to us. When slates came in a master (p. 81) wanted string to hang twenty or more about the pupils' necks. An innocent boy—not the cute adults of these pictures—brought out his best fishing-line. It was sacrificed remorselessly to this occasion.

The definite accounts of precocity in numerous instances are frightful. The "pious and ingenious Mrs. Jane Turell" (p. 179), in her second year, knew her letters and could relate many stories out of the Scriptures, and the next year recited most of the Catechism. At the age of four, "she asked many astonishing questions about divine mysteries." The mournful experiences with his children, told by Judge Sewall in full detail, show the fruits produced by this sort of culture.

An occasional error creeps in, as in Wynkoop's age (p. 352). Skates of the forties in this century (p. 346) hardly illustrate colonial life. The "homespun flannel sheet spun of the whitest wool into a fine twisted worsted" (p. 21) was excellent as flannel. Flannels were not made of combed worsted.

The book justifies itself and will be read by adults, if not by children, as the author hopes. It becomes a necessary adjunct of history.

WILLIAM B. WEEDEN.

*Letters to Washington and accompanying Papers.* Edited by STANISLAUS MURRAY HAMILTON. Vol. II., 1756-1758. (Boston and New York: Houghton, Mifflin and Co. 1899. Pp. xviii, 409.)

THE second volume of this correspondence of Washington covers only two years, but carries Washington through a long and trying experience on the frontiers of Virginia, into the House of Burgesses, to which he was elected by a good vote in July, 1758. The letters are bristling with the necessary detail of an ill-conditioned service, and contain few items of real value to the history of Virginia. The personal element is, on the other hand, of high importance, for it is easy to recognize how great an influence these years of thankless labor exerted in moulding the character of the Washington of the Revolution and the presidency. The loyal devotion of his officers, the control he held over his somewhat disorderly troops, and his judgment in matters of doubt or in times of danger, are fully displayed, and give a note higher than the petty annoyances and ignoble differences which were inseparable from the service. Whether it was a provincial or a royal officer, Washington commanded his respect and confidence, even though he never appeared to have been on terms of free intimacy. His friendships were few, and the letters contain little of that freedom which is expected among associates and equals.

The grades of intimacy and respect are not without their interest. It was with George Mercer, Joseph Chew and John Kirkpatrick that he was most free, if the tone of their letters to him are any true indication. The first two named became loyalists in 1774, and Kirkpatrick, who had

served as his secretary, returned to Scotland and disappeared from view. With Dinwiddie he had some disputes and entertained unjust suspicions of his motives; but with Stanwix and Bouquet his intercourse was proper, as it was with the man who was to suffer so in his opposition, Thomas Gage. In Virginia he naturally had many correspondents, like Robinson, the Speaker of the Burgesses, William Fairfax, Richard Bland and Dr. Craik, the last of whom was a lifelong friend. The letters from his under officers, like those of Bullitt, Stewart and Peachey, are naturally taken up largely with matters of detail and discipline.

Mr. Hamilton's treatment of these letters still calls for some criticism, though no little improvement in accuracy over the first volume is shown. To know the full relations of this correspondence the editor must at least be familiar with the colonial history and geography of Virginia. Otherwise, it is the blind leading the blind. He repeats an error committed in Vol. I., and gives an impossible spelling, *Conogockuk*, on p. 325; *Thurston* is given no less than three times on two pages (290, 292), where *Thruston*, a well-known name, should occur; he retains the *ff* in a proper name, although the double letter was the conventional sign of a capital; and he prints no less than five letters from Bosomworth as coming from *Botomworth*. These are but examples of easily avoidable errors, and must be charged to the account of the editor. Mr. Hamilton's insistence in defending certain palpable misreadings in the former volume induces caution in calling attention to similar slips in this volume. But it would seem as though *scene* is printed for *service* on p. 139; *Walker* for *Waller*, on p. 373; *cilititations* for *cilicitations* or *cilisitations* on p. 57; and *mederes* for *medals*, on p. 80. Again I give only examples. Comment could be made on the omission to supply the missing parts of the Dinwiddie letters (see note on p. 43), and on the bad appearance of pages where the oddities of the writer of the letter are sought to be reproduced in formal type.

WORTHINGTON CHAUNCEY FORD.

*A History of Quaker Government in Pennsylvania.* By ISAAC SHARPLESS, President of Haverford College. Vol. II., The Quakers in the Revolution. (Philadelphia: T. S. Leach and Co. 1899. Pp. vi, 156).

THIS is the second and concluding volume in President Sharpless's study, the *History of Quaker Government in Pennsylvania*. In the former volume he dealt with the colonial period down to 1756, when the Friends surrendered their control of the Assembly; in the present one he pursues the subject forward to the Revolutionary cataclysm, and adds a chapter describing the protests of the Pennsylvania Friends against slavery, in the period immediately after the Revolution.

If we were inclined to be critical, it might be said that the general title which is given to this work is a misnomer as to events after 1756—all those, indeed, included in the present volume. The Friends did not



"govern" Pennsylvania in any proper sense of the word after they gave up the Assembly; and while until the Revolution they retained a considerable influence upon public affairs, this was extinguished altogether in 1776, when the popular convention at Philadelphia overthrew the colonial system, and set up the new and eccentric state constitution.

The principal theme of the present volume is that well debated question, What did the Quakers do in the Revolutionary War? The discussion of this is usually of a sort calculated to muddy the water rather than develop the truth, but President Sharpless has now made a contribution which will help toward reasonable conclusions. He has availed himself of the records of the Friends' meetings, and has drawn liberally upon the private correspondence of the Pembertons of Philadelphia with their friends in England. The Pemberton brothers, Israel, James and John, were the most conspicuous, and among the most able, of the Pennsylvania Friends, and for thirty years—say 1745 to 1775—they not only stood at the front of the Society, but bore an important part in all public activities. Their letters, cited by President Sharpless, are largely to that distinguished Quaker physician of London, Dr. Samuel Fothergill, though some are to David Barclay, the merchant and banker, grandson of Robert Barclay of Ury, the Quaker "Apologist." For a considerable time before the fighting actually began Fothergill and Barclay were hard at work in London, with Benjamin Franklin, in an effort to moderate the British demands and calm the American feelings. They had strong hopes for a while that a breach might be avoided. Dr. Fothergill's letter to James Pemberton, January 3, 1775, cited in the present volume, is a fine presentation of the views of an earnest and honest English freeman in that crisis. He says:

"I am afraid they [the ministry] will pursue in one shape or other, the same destructive plan . . . that no abatement of any consequence will be made—no material alterations or concessions. Of course if you are as resolute as we seem, unhappily, to be firm, dissolution must follow. . . . For my own part, having from my early infancy been attentive to America more than many others [and having been acquainted] with some of the most sensible, intelligent, and judicious persons in that country, of every party, denomination, province, and situation, I cannot give up on slight grounds the opinions I have formed of them, of their rights, and of their power likewise. . . . Had our greatest enemies the direction of our counsels they could not drive us to a more dangerous precipice than that to which we seem to be hastening."

The attitude of the Pennsylvania Friends, from the time when the differences became acute to the end of the Revolution, is easily explained; the facts are not really an occasion for controversy. The rule of the Friends was that of Peace; they held, under the teaching of the Head of the Christian church, that wars are unlawful. They were naturally lovers of liberty. Since their first controversies with crown authority and arbitrary rule, represented by Blackwell and Fletcher, three-quarters of a century earlier, they had stood firmly for the rights of popular government. In the pinch of 1765-83 these two principles, opposition to war,

and desire for freedom, had both to be respected. They are, of course, not antagonistic. The plan of the Friends was to support those efforts for the preservation of the popular rights which did not include, or plainly lead up to armed resistance. They therefore joined earnestly in the opposition to the Stamp Act, signed the Non-Importation Agreement, and connived at the repulse and return of the tea ship.

But when the war began they could not maintain an unbroken front. They very soon formed three classes. One, and by far the largest, took no part, and passively resisted all efforts either by the royalists or by the revolutionists to draw them into the fighting. A second class took up arms for the revolt, and the list of names which can be given of these is remarkable, both for size and significance. A third, and by far the smallest class, went with the King, and either took up arms or so far committed themselves that when Howe left Philadelphia in 1778 they did not dare to remain.

President Sharpless estimates that about four hundred Friends were "dealt with" and "disowned" by their meetings for joining the revolutionary army, accepting civil positions under the revolutionary government, or taking an affirmation of allegiance to it. He estimates, also, that "perhaps a score" were similarly dealt with and disowned for active adherence to the royal side. These estimates are entitled to respect, and they show very fairly the relative strength of the active American and "Tory" classes among the Friends—about twenty to one. There are very few names of Pennsylvania Quakers in Sabine's lists of the Loyalists, and all the searching of the records will not develop any considerable number more. The fact is that in the country outside of Philadelphia the sympathies of most Friends were with the revolt, and in the city at least half were on that side. That they were able to maintain their ground—to avoid falling into the royalist movement without sacrificing their testimony for peace—goes to show that they had a greater share of both consistency and tenacity than the average man who approves of Christian doctrine except when applied to a particular war.

As was said of President Sharpless's first volume, the student of Pennsylvania history cannot safely overlook this one. Its citations from original documents, its simplicity of form, its candor of statement, and its judicial temper, unite to give it a special value.

HOWARD M. JENKINS.

*A History of American Privateers.* By EDGAR STANTON MACLAY.  
(New York: D. Appleton and Co. 1899. Pp. xl, 519.)

MR. MACLAY is the author of a *History of the United States Navy* in which he endeavored, successfully, to show that our maritime forces were a most powerful factor in the attainment of American independence. In this new volume he proves that our privateers had even more to do with the establishment of our sea power and with the destruction of English commerce, in both our wars with the mother country, than the vessels



of the regular navy. The government vessels, all told, including even the flotilla on Lake Champlain, numbered only 64 in the Revolutionary War. They captured 196 vessels valued at \$6,000,000. In the same war 792 private armed vessels took 600 British vessels valued at \$18,000,000. Our regular navy of 23 vessels captured 254 ships valued at \$6,600,000 in the War of 1812, while the 517 privateers (of Mr. Maclay's preface) took 1300 prizes valued at \$39,000,000. The "few petty fly-by-nights," at which the English journals sneered in 1776, so effectually alarmed England as to deter English merchants from shipping goods in English vessels. Escorts were demanded even for the linen ships crossing the Irish Channel, and in a few weeks forty French ships were loaded with English freight in London. When the second war began English papers recalled to mind these dismal facts and predicted the disasters that were afterwards experienced.

Plainly a book which sets forth the story of these things must be well worth reading, and Mr. Maclay tells his tale in a very interesting way. He is the first writer to attempt an account of the privateers of two wars. Coggeshall wrote only of the War of 1812 and his work, as Mr. Maclay says, is "far short of a standard history."

The more ambitious volume before us is divided into two parts. The first deals with the vessels of the Revolution; the second is devoted to the War of 1812. The author shows what admirable training-schools for our regular navy the decks of the privateers of the Revolution furnished. It is only necessary to mention the names of such graduates as Barney, Talbot, Truxtun, Decatur, and Porter to emphasize this fact. Captain Barney's prison experiences are related in full as well as the usual tale of his exploits. One chapter is devoted to Captain John Manly. Another is given to Jonathan Harraden of Salem, the author's "ideal privateer-man," and the story of the fight off Bilboa between the *General Pickering* and the *Achilles* of London in sight of thousands of spectators upon the adjacent cliffs is told in a fascinating way. In the second part excellent accounts are given of almost all the privateers with which we have become familiar. A glance at the index shows us all the well-known names. Our ships were bent on profit not on fighting, and yet when the necessity came they fought magnificently. The *General Armstrong* at Fayal is a case in point. Not so well known is the *Decatur* of Charleston, S. C., Captain Diron. Her fight with the *Dominica* was one of the most bloody contests of the war. Out of 191 men on the two ships 88 were either killed or wounded. The ships of Salem are duly noted and so, incidentally, is the career of the *Invincible Napoleon*, a craft so badly handicapped by her name (she was originally a French privateer) that she was captured no less than five times. The career of the *Yankee* of Bristol, R. I., shows the possibilities for gain that lay in the business. This fortunate vessel captured property amounting in value to a million of pounds and netted a million dollars profit from her six cruises.

Yet the historical student will lay this volume down with a keen sense of disappointment. It must be said of it as its author says of Coggeshall's



work, "it is far short of a standard history." It deals with two wars only. The chapter on colonial privateers is given up for the most part to accounts of pirates like Kidd. If the author had turned his eyes toward Narragansett Bay he would have learned that some of the men who took part in the "affair of the Gaspee" (which he describes) had sailed upon colonial privateers. The Wanton family of Newport, which gave four governors to the colony, were famous privateersmen. Private armed vessels from the Bay participated in all the wars in which the colonists were involved by reason of their English allegiance. No less than forty vessels of which the names, and the names of their owners and masters, are preserved sailed out from Newport to fight in the War of the Austrian Succession. In the Seven Years' War no less than fifty-seven privateers were fitted out in Rhode Island. Their names can easily be ascertained. In 1759, according to Arnold's *History*, one-fifth of the adult males were on private armed ships. If so much has escaped notice in the case of one colony what may we not conjecture concerning the others? Mr. Maclay moreover is not always correct in his statements. To illustrate: On page 69 he credits Rhode Island with six vessels,—eight pages later gives the names of seven. If he had examined the Bristol records a little more closely (Part II., Chapter IV.) he would have learned that Bristol alone sent out six, possibly nine, vessels besides the famous *Yankee*—a number much larger than that he assigns to the whole state of Rhode Island. He would moreover have escaped some errors of statement concerning the *Yankee* herself. Singularly enough, in his summing up on page 506, he does not credit Rhode Island with sending out any vessels at all in the War of 1812. But the crying evil of the volume is the careful suppression of almost all mention of the sources whence the information was derived. The reader is frequently referred to Maclay's *History of the United States Navy*, but aside from that there are hardly a dozen references to authorities in the whole work.

WILFRED H. MUNRO.

*History of the Civil War, 1861-1865.* Being Vol. VI. of *History of the United States of America under the Constitution*. By JAMES SCHOULER. (New York: Dodd, Mead and Co. 1899. Pp. xxii, 647.)

MR. SCHOULER is to be congratulated on the completion of this supplementary volume, which rounds out his work to the utmost limit that he ever contemplated as possible. A history must stop somewhere, and few will deny that for a work like Mr. Schouler's the end of the war is on the whole a more satisfactory stopping-place than the beginning. More than this, the present volume embodies a singularly well-proportioned narrative of the four eventful years of which it treats. This fact alone is a sufficient cause for its existence, and must assure to the author the favorable judgment of the reading public. For we are in the full tide of revelation as to the inner facts of war-history: official records,

memoirs, diaries—all forms of material are flooding the field, and it requires a clear head and a sound judgment to see and keep to the way, and avoid being swamped. A history of the war in one volume that is neither a bare sketch nor a hopeless jumble, is a genuine achievement.

Assuming, then, that Mr. Schouler has not been permitted, by the scope of his work, to contribute largely to the mere facts of the period, nor to offer elaborate discussions of doubtful or controverted matters, the character of his narrative can best be indicated by reference to his point of view in respect to the familiar features of the history which he presents.

First, as to the nature of the secession movement. Mr. Schouler's general position is that the secession was the result of a "conspiracy" of leading Southern politicians, which had for its ultimate purpose the construction of a government in which "slavery should forever dominate." This is a view which had great vogue in the North in 1861, and is still maintained occasionally by persons who have not given careful study to the period. Mr. Schouler shades down the statement of this position so as to reveal the modifying influence of time on his thought. The conspiracy becomes with him "something of a conspiracy"; and the blood-curdling propaganda of the "Knights of the Golden Circle," which loomed so large and definite in the exciting days of secession, is dismissed with a reminiscent allusion, to the effect that the part played by the order in the disunion movement is not known (p. 52). In pointing out that state secession was a mere legalist expedient for the accomplishment of sectional secession, Mr. Schouler is on firm ground. But it is at least a generation too late to talk of the purpose of the slave-owners to "dominate." That this, rather than self-preservation, was their leading hope, is a view that belongs in the same category with that other, expressed in Mr. Schouler's preceding volume, that John Brown, after murdering in cold blood several unoffending inhabitants of Harper's Ferry, was "not a felon."

The author's general tendency to be severe with the secessionists leads him to a position in respect to the Confederate constitution that is rather surprising in a trained lawyer. He censures the Southerners for not putting in their constitution stronger expressions of state sovereignty, instead of tamely appropriating the Constitution of the United States.

"Now, unquestionably, was the occasion to have declared in express terms the pet dogma of secession, of the right of sovereign states to nullify, at the least, any act of Congress; but no assertion of the kind is hinted at. Nothing whatever did state sovereignty gain in this new instrument . . . but a bald avowal in the preamble that each state . . . acted in a sovereign and independent capacity" (p. 55).

But Mr. Schouler must see that it would have been self-stultification for the Southerners to change the wording of the Constitution when they had so long contended that their views embodied the only rational interpretation of the words as they stood. The declaration in the preamble was all that they needed, if they needed anything at all, to render abso-

lutely complete their reasoning. The author is clearly at sea in the passage quoted; and conspicuously so in the opening sentence, which, if it means anything, identifies nullification with secession—a confusion which the logic of Calhoun so incisively repudiated.

Mr. Schouler's estimate of the prominent personalities involved in the struggle illustrates again the conventional type of his thinking. Lincoln is a hero unqualified, with whose eulogy the volume begins and ends. Jefferson Davis is a gloomy despot. McClellan is little above an imbecile. Lee is a good man, handicapped by the "fatal error" of going with his state. Grant is the paramount military hero, whose failure to destroy Lee in 1864 is rather skilfully glossed over. What one misses in the author's judgment is the note of qualification that marks the unbiased historical temper. It is not at all essential to Lincoln's claims to pre-eminent statesmanship, that he should be represented as a civil-service reformer. Nor, in view of the anxious inquiries which preceded the appointment of Grant to the command-in-chief and of Chase to the chief-justiceship, can it be truthfully maintained that Lincoln was not concerned, as his re-election approached, to "shut out rivals from the suffrage of the people" (p. 628). Again, in dealing with McClellan it would be no more than just to note that his persistent overestimate of the forces opposed to him rested, not on the original and inherent perversity of the general's intelligence, but on the unvarying reports of the secret-service department of the army. And it ought to be remembered, also, in any comparison of McClellan with other generals, that he alone has been afflicted with the publication of his letters to his wife. A study in comparative uxoriousness might, if properly documented, shake other reputations as well as his. And finally, it was hardly worth Mr. Schouler's while to emphasize his depreciation of McClellan by lamenting, even in a note (p. 242), that the general "was never to be seen charging or directing gloriously in battle, but kept at some secluded occupation." One hardly expects to find in a serious historical work published in 1899 that conception of an army commander which is expressed in the ancient three-color prints of a foaming "charger" standing on his hind legs while the epauletted rider personally decapitates the chief of the opposing host.

Mr. Schouler's narrative of military and political operations is as a whole well-balanced and as full as could be expected in the space. Some statements appear, however, which are clearly and surprisingly erroneous. On page 190 the *Monitor* is endowed with "nimbleness of motion"—a quality which her officers never discovered. The blowing-up of the *Merrimac* is said in a note to have been "a Union exploit"; though in fact it was performed by Commodore Tatnall and his Confederate crew. "The British House of Commons" did not, as Mr. Schouler says, "make remonstrance" against Butler's woman order in New Orleans, though individual members were fierce enough in denunciation. It would appear from the account on page 426 of the detention of the Rebel rams by the British government, that they were stopped as a result of Minister Adams's threat of war. But in fact, as Mr. Rhodes clearly shows



in his last volume, Earl Russell ordered the detention of the vessels before he received Adams's famous despatch. Throughout the discussion of our relations with Great Britain Mr. Schouler's view of Earl Russell is widely at variance with that of Mr. Rhodes, representing the English statesman as a rather hateful exponent of the extreme pro-Confederate feeling, though in fact he seems to have been disposed to do full justice to both sides. Vallandigham was buried in the gubernatorial election in Ohio in 1863 not, as Mr. Schouler says, under "one hundred thousand adverse votes," but under a hundred thousand adverse majority. Finally, Early's force in the Valley in 1864, so far from being "about the same" as Sheridan's (p. 517), was in fact less than half as large, or about 15,000 to 40,000 (cf. *Battles and Leaders*, IV. 524, note). In view of this disparity the result of the campaign can not be ascribed off-hand to "the superior fighting capacity of Sheridan."

In Mr. Schouler's narrative of the non-military history of the times the government's policy and practice of arbitrary arrests receives very inadequate treatment. The subject is indeed dismissed with a half-dozen bare allusions, except for the *cause célèbre* of Vallandigham. This is certainly a grave distortion of history; for, with the exception of emancipation, no feature of administration policy in non-military affairs had so important an influence on public opinion as that touching civil rights in the loyal states. The failure to give due prominence to the facts of this matter is the most serious defect in the plan and execution of Mr. Schouler's volume.

WILLIAM A. DUNNING.

*Charles Francis Adams.* By his son, CHARLES FRANCIS ADAMS. [American Statesmen Series.] (Boston and New York: Houghton, Mifflin and Co. 1900. Pp. vii, 426.)

CHARLES FRANCIS ADAMS stepped out into national politics in 1848, a few months after the death of John Quincy Adams. Those who had never admired the moral combativeness of the father now pretended to have great respect for his memory, and referred to him as "the last of the Adamses," so as to ridicule the son, who was the Free-Soil candidate for the vice-presidency on the ticket with Martin Van Buren. Not until about fourteen years later did it become certain that this third Adams in direct line was to make a brilliant public record. The fact was recognized during and after the war period, but this biography is the first attempt to describe the Adams whose chief fame was won in the field of diplomacy.

In this family, independence seems to be a trait, which is stronger in the fourth than in any previous generation. The present biographer soon wins the reader's confidence by the impartiality with which he sides at one time with John Quincy Adams and at another with Charles Francis Adams. The lives of the two men, between 1830 and 1846, were inseparably interwoven with each other, and the memorable record made

during these years by J. Q. Adams "would not have been possible had it not been for the co-operation and quiet support he received from his son." We are also told that the son so strenuously disapproved of the ex-President's return to public life that the two were for a time not on terms of cordiality. The importance and picturesqueness of John Quincy Adams's service in the House of Representatives causes our author, who has a keen sense of humor, to remark: "The elder man, however, bore up bravely; and, from the spring of 1835, affairs gradually assumed a more cheerful aspect. . . . He had demonstrated that he was right—that he understood himself and the situation. So far as he was concerned the problem of what we are to do with our ex-Presidents did not call for further consideration." When the contests over the right of petition waxed hot and John Quincy Adams took the lead, the son recorded in his diary, as we are informed, a "despairing groan," lamented that his advice had not been accepted, and added, "But, as he [John Quincy Adams] is in it, I must do my best to help him out." Then with quiet sarcasm the biographer remarks: "This resolve on the part of the son was certainly commendable; though it is to be feared that, if the father had been able to find no other resource in the difficult position in which he had then placed himself, his danger would have been extreme." It would be easy to give many more illustrations of remarkably spicy candor.

The first time Charles Francis Adams attracted public attention by any extraordinary ability was when he spoke in the House on the state of the country early in 1861. A committee of one Representative from each of the thirty-three states had been considering the problem of preventing an outbreak of hostilities between the sections. Adams believed with Thurlow Weed and Seward that the South could be reconciled without granting her enough to imperil the legitimate advantages of the Republican victory; that at least it would be best to make all reasonable concessions, so as to show that the secessionists were contending, not for constitutional rights or even a preservation of slavery as it existed, but for its extension or the establishment of an empire where it should be the corner-stone. The Republicans were to be powerless until after Lincoln's inauguration, March 4, 1861. Buchanan's annual message of the previous December was the strongest evidence that he would not adopt a vigorous policy of repression. The conservative Republicans undertook to delay, and if possible, disorganize the secession movement. It is now indisputable that Adams's plan was a wise one, although, as we are told, "the course was at the time distinctly opportunist,—a course in which, amid changing circumstances, but always in the presence of a great danger, he felt his way from day to day." The biographer describes with extraordinary lucidity the particulars of the problem the Republicans in Congress had to deal with. During the period of cabinet-making Adams was much talked of for the head of the Treasury Department; but Lincoln generously offered to let the Vice-President-elect, Hamlin, have the chief influence in naming the representative from New England, and other



circumstances made it desirable that the one selected should come from the Democratic rather than the Whig wing of the party. So the choice fell upon Gideon Welles, who became Secretary of the Navy. It had also been Lincoln's plan to send Dayton as minister to Great Britain and Frémont as minister to France. But Seward was a close friend of Adams's, and practically insisted that if he was not to come into the cabinet, he should have the most important of the foreign missions. The President yielded in a good-natured way.

When Adams went to England, in May, 1861, it was the all but unanimous belief of the Republicans that Englishmen would sympathize with the North. When Great Britain issued her proclamation of neutrality, which recognized that the Confederates were belligerents, it was erroneously inferred that this was an act distinctly friendly to the South. For a time Adams shared in the general irritation on this account, but his biographer does not hold the same opinion; he thinks it fortunate that Great Britain did not wait until after the first important Confederate victories, a little more than two months later, for then a recognition of belligerency would probably have been accompanied by that of independence.

Before the proclamation of neutrality had been issued, but after the war had commenced and the blockade had begun, Seward instructed the United States ministers in Europe that the government was now ready to accede to the Declaration of Paris, of 1856. All the powers signing this declaration stipulated that among themselves privateering was and should remain abolished; that neutral goods in an enemy's ship, and an enemy's goods in a neutral ship (contraband of war excepted in each case) should be free from confiscation; and that blockade in order to be binding must be effective. As will be remembered, the United States had in 1856 declined to become a party to this agreement. Undoubtedly the original aim of the American Secretary of State was to relieve the members of the British government especially from all fear of injury from privateers, and, as far as possible, to remove all excuses for British or French interference in American affairs. But there is little room to doubt that, after the proclamation of neutrality, his purpose was just the reverse—that is, after the United States should become a party to the declaration, to call on Great Britain and other powers to help to suppress Confederate privateering. Lord Lyons, the British minister at Washington, was the first to suspect Seward's design and was instrumental in having the British and the French governments join in saying that the accession of the United States would be acceptable only on condition that it should be expressly stated that the agreement should not apply to the Confederacy. This took the spring out of the trap. So Seward was the first one to throw it aside, and he and Adams became very indignant that the powers had insisted on such a precedent condition. Dayton, the United States minister to France, did not agree with them. Our author holds that Lord John Russell missed a great opportunity to commit the United States to the declaration, and adds: "Immediate complications



might have grown out of the American Civil War, and those he could in some way have met as they presented themselves ; but, so far as the larger and more remote interests of Great Britain were concerned, the case was clear, and he had the game in his hands" (p. 207). Thirty-nine years have elapsed since that day, and the United States have not cared to use privateers in the two subsequent wars. The present biographer is the one that has shown most clearly how Seward made repeated efforts to stir up trouble with Great Britain, and how Russell had a correct, although vague, notion of the aims of the American Secretary of State. Instead of having missed a great opportunity, we think that Russell's action is one of the best of the many examples of his sober judgment and wise resolution to steer clear of danger and to proceed slowly.

In regard to the numerous issues with which the American minister had to deal later, this narrative is highly pleasing on account of both the method employed and the originality with which facts and earlier opinions are treated. The chapter on the Trent affair contains some sharp ridicule of the supposed importance of preventing Mason and Slidell from reaching Europe. Great Britain's demands and preparations for war at that time have usually been very strongly condemned by American writers, but it is the opinion of the writer that when compared with the attitude which the administration of Benjamin Harrison assumed toward Chili, "the course taken and the language used by the government of Great Britain, in December, 1861, and January, 1862, stand amply justified" (p. 235). Over-zealous and ignorant naval officers and scheming politicians are not likely to get what they claim as an unalienable right—to go into history as wise patriots—until such men as this author are burned at the stake. The discussions of the problem involved in the cotton famine, the attempts to ward off British intervention, and to prevent the departure of Confederate warships from English ports, are all fresh, vigorous, and instructive. Without any exaggerated claims they explain the value of Charles Francis Adams's services. He was unlike most men in that his judgment was best when the danger was greatest. His responsibility and success in connection with the Geneva arbitration have never before been so fully described.

It is pleasing to know that the author is not to quit this field, but that the volume before us is regarded as merely "a preliminary study, and in part a condensed abstract of a larger and more detailed work already far advanced in preparation." In the future work the diary, letters and papers of the elder Charles Francis Adams are to be given a large proportion of the space.

*The Life of Abraham Lincoln*, drawn from Original Sources and containing many Speeches, Letters and Telegrams hitherto unpublished. By IDA M. TARBELL. (New York: Doubleday and McClure Co. 1900. Two vols., pp. 426, 459.)

*Abraham Lincoln, the Man of the People*. By NORMAN HAPGOOD. (New York: The Macmillan Co. 1899. Pp. xiii, 433.)

BESIDES the monumental work which Nicolay and Hay properly entitled "A History," Lincoln has been the subject of many volumes; but we think they will nearly all be found to be contributions to his biography and to the history of his time, rather than symmetrical, proportioned, and harmonious works, the literary analogue of the painted portrait which hands a great man down to posterity. Most of the books we have in mind make Personal Recollections either the chief or the sub-title, thus disclaiming the purpose to treat Mr. Lincoln's life as a unit or to present the whole of it with well-considered relation and subordination of parts.

Miss Tarbell's book has grown out of two series of successful papers which she contributed to *McClure's Magazine* and which embodied the results of an extensive and well-organized search for new material. The first series related to the early life of Lincoln and brought to light evidence which fairly modifies and corrects some of the rather extravagant stories which have been current regarding the penury and the lack of educational and social advantages of his childhood. It also developed with some success an intelligible account of the unfolding of his powers and qualities in his early manhood, and removed the air of miraculous growth which hung about a career sufficiently remarkable. The second series dealt with his mature life, for which full data were already published, and where the author could only glean here and there, collecting the recollections of a wider circle of witnesses and the correspondence of persons more or less well acquainted with Mr. Lincoln. The whole has now been brought together, the story of the life has been made consecutive, compilation of accepted facts and anecdotes from published authorities has been added, even the minuter and less important of Lincoln's letters and dispatches have been collected and added. The result is a popular life of the man, well calculated to have vogue among the people at large. From the point of view of students of history its chief importance will be found in the field the author originally worked,—the addition to our store of materials of varying importance touching Lincoln's career, especially his childhood and youth, and that of his parents.

Mr. Hapgood makes no claim to original research. His aim is, however, more ambitious as literature. He uses the collected materials of others, and seeks to draw for us a portrait in the realistic style which shall make us feel its verisimilitude in all the phases of Lincoln's wonderful history. He gives us the key to his purpose by saying "The biography of such a man can afford honesty." So it can; but what is honesty in portraiture, whether with brush or pen? Other biographers, whom he criticizes, would probably assert the principle as earnestly as he.



There are misleading disclosures as well as honest reticences. Every situation in nature has an infinity of detail. We must choose and reject, and the result will be judged by the success with which we have chosen the important and so made them dominate in a harmonious whole as to give assurance of a character equal to the work the great man actually accomplished. If, when we study the portrait, we cannot fit his character and career to the figure and features, it is a failure as a portrait, whatever it may be as a *genre* picture. Treating a biography as a literary work of art, if it does not subordinate the transient to the permanent, the trivial to the important, accidents to characteristics, the body to the soul, it lacks "honesty" in the right sense of the word, which is essential and harmonious truth.

Mr. Hapgood says "Let us not try to make our great man like other great men. Let us allow him to reach as high as the saints in one direction and as high as Rabelais in another. Let him be the prairie male as well as the sage and martyr; the deft politician as well as the generous statesman. Paint him as he is." If this means that we want characteristic truth in the portrait, we are all agreed. If we object to a conventional toga-clad figure, it does not follow that we must present our hero in the nude. Our rule should be found in Niebuhr's fine saying which Keller quotes: "It is not well that the world should see a man through and through; there are decent clothes of the soul that one should no more strip off than those of the body."<sup>1</sup>

Mr. Hapgood's book is not so startling as his portentous preface might lead us to expect. His scheme seems to be to connect, as nearly as may be, samples of Mr. Lincoln's homely but apt illustrations with the acts and scenes of his life, all the way through. He must appear "in character" at each entrance. With the author's lively and vigorous style a book is made which will no doubt have greater popular favor than if it conformed more closely to the ideal of truth and honesty which we are trying to present. There is very little that is offensive in the anecdotal part of the biography. Our criticism is, rather, that the total effect produced is that Mr. Lincoln was an amusing person. The author assures us, in "asides," that he was really a great man, that he had the most earnest and serious purposes, that his nature tended to pathetic sadness, but the effect remains. This is because strong colors and high flavors have a way of asserting themselves unduly. A very little garlic in a salad is plenty: a very little more makes it all garlic. A few witty speeches by a public man will give him the name of the "Wag of the House," and many an able man has bewailed the fact that after this he could never make his audience take him seriously. The ideally "honest" biographer will use effectual means to correct the false impression. That Mr. Lincoln was taken seriously whenever he chose to be, is itself the proof that the humorous vein in him was not prominent in his public appearances, but was,

<sup>1</sup> Keller's *Life of Bächtold*, preface. "Es sei nicht gut dass die Welt jeden bis ins Innere kenne; es gebe Kleider der Seele, die man ebenso wenig abziehen sollte, wie die des Körpers."



in the main, kept for the enlivening of social intercourse. If we are made to expect amusement whenever he appears, we are misled as to the man.

Nearly all the published stories concerning Mr. Lincoln which have jarred upon good taste, have related to his youth. The escapades or the ludicrous experiences of a boy have no claim, in themselves, to a place in the biography of an important personage. To entitle them to it, they must be so connected with his development that the matured character cannot be understood without them. Writing an amusing book about a man should never be mistaken for writing his biography. The biographer profits by the study of much that he does not put into his work. He is, at his best, an artist, full of knowledge of his subject and sure in his command of his art. He knows how to exhibit a noble character so that its nobility shall inspire awe, whilst its individuality is still distinct and unmistakable. If a subordinate trait, a wart on the face, a drawl in the voice, a limp in the gait, is made impertinently self-asserting, the result is only an amusing or an odious caricature.

Childhood and youth are marked by one's progress from the innocent animality of the new-born babe toward the rational self-control and conscientious obedience to an ideal of right which ought to mark the moral maturity of the man. A skillful, brief sketch of the fun-loving, mischievous boy helps us to understand the task he mastered in overcoming the temptations to idle amusement, and in working honestly for mental discipline and furnishing. To describe all the practical jokes, the awkward, ungainly actions, only fastens to the great man's name a series of pictures exhibiting him as an object for derisive laughter. The laugher, in such cases, gets much of his pleasure from a feeling of superiority to the object of his amusement.

In Mr. Lincoln's case, candid study of his youth shows an early and strong attraction toward intellectual pursuits and moral development. In spite of his fun, his copy-books show a hand-writing that was formed for life, several years earlier than is usually the case, even with boys who have the best educational advantages. This implies a good deal of practice in writing, with a steady purpose. His arithmetic showed easy mastery of accurate calculation, with precision of statement and of process. The implication here is of clear comprehension of the logic of mathematical reasoning. Unconscious taste made him form and stick to a simple and very direct style of speech, with transparent clearness of meaning. There was no reason why he might not have formed as showy a rhetorical method as Douglas or other political orators of the state who grew up with him in the same community. He not only chose his style intentionally, but loved to emphasize the difference with others. In his professional work he preferred a colloquial phrase to a technical one, if it were as clear and free from ambiguity. Verbal fluency which covered inaccurate thinking he despised and would ridicule by purposely opposing to it a real thought in commonest idiom.

His moral nature was also sensitive and alert, and though, like notable examples before him, when he would do good, evil was sometimes

present with him, he gives abundant evidence that in such cases his conscience goaded him and that he was never deaf to its voice. There is a touch of pathetic humor mingled with self-judgment, even in the childish jingle he added to the inscription of his name in his copy-book, "He will be good, but God knows when." This sensitive conscience was joined to a tenderly sympathetic spirit which made him instantly respond to appeals for help or pity. To cause misery in another was a double misery to himself, and the apprehension that he had done so was the explanation of conduct, eccentric almost to the point of derangement, in one or two crises of his young life.

The anecdotal biographies produce an untrue effect by the very means that makes them amusing reading. The high-colored stories blind us to the tenderer tints of the life. Every picture-gallery bears witness to the fact that a canvas in a high key kills its near neighbor in a quieter one; still more is it ruin to force such contrasts in the same work. Lincoln's life was in real harmony from beginning to end, for it was the constant evolution of a rare nature. The rude surroundings of his childhood were not vicious. Frontier life was full of rough experiences, but the frontiersmen were of the most enterprising civilized stock, whose energy was bounding forward to create in a single generation the Illinois of 1860. The log cabin was not of kin to the wigwam: it was the temporary camp of a race that could build cities in a day, and was all astir with the energy inspired by the dim vision of what was soon to be accomplished. The boy Lincoln was the child of such a community, born to be its leader and the leader of the nation. The broader view is the truer one, and we miss it if we dwell too minutely on the puncheon floor and the scanty furniture of the cabin, or if we make too much of his rail-splitting and the first groping steps toward education and an intellectual life.

When his prenticeship has been served and we find him a member of the legal profession, his importance grows as we discern that his fellow lawyers on the circuit not only enjoy his company at the tavern, but try their cases before him by consent, in the absence of the judge. Another step is taken when, in a great political struggle in his state, the public men and lawyers who know him best, from the great city as well as from the country village, turn spontaneously to him to champion the cause of free labor against the unquestioned leader of the opposition, a man of national renown. Did they do it because he made them laugh in the careless group around the court-house door?

Again, with all his homeliness of form and feature he comes before a great metropolitan audience, and keenest critics, used to measure the foremost men of the time, forget everything but the great ideas they are listening to, the invincible logic, the powerful array of facts, the seer-like views of the nation's destiny, and the patriot's faith in the triumph of right. They go away to bear witness to the wisdom, the logic, the persuasiveness, the deep conviction which is contagious, the lofty moral tone which is inspiring, and with one accord proclaim that they have heard a

master-piece of successful advocacy. If the biographer does not make us forget trivialities, grotesqueness and awkwardness, as the Cooper Institute audience forgot them, he has not presented the man, but only accidental adjuncts of the man, the material part that clogs his soul. From such a picture we may turn to the statue that looks upon Lake Michigan from the park that bears his name, and standing before it reverently, we shall feel that genius can be true to form, and without disguising native proportions or softening the ruggedness of a single feature, may yet quicken the whole as the indwelling spirit was wont to do when rising to the dignity of its mission on earth. Cannot the written biography do the like? May it not make Lincoln's place in history from 1858 to his deplorable taking-off completely dominate the preparatory years? May it not make sympathy with his task, love for his human charity, admiration for his lucid intellect, worship for his patriotism, so mingle with our pity for his sadness and his death, that amusement will hardly tinge our emotions, but dwindle to the humorous single touch of human nature that makes us kin?

The shiftiness of the politician making appointments to placate faction or to carry an election, will be so covered by the sincere meekness of his response to the implied rebuke of a man like General Sherman, that we shall lay the fault to the political habits and methods of the time which he sadly admits and does not justify. As we go on with him toward the end, the will of a great ruler is more and more felt behind the simple-hearted amiability which superficial observers took for lack of grasp and of purpose. He has bent statesmen to his plan. He has shifted the commanders of great armies till those are found who can lead the armed nation in the stubbornest of campaigns. He has taught the necessity of continuous, unrelenting struggle till great columns, East and West, make no halt for winter or for summer, for storm or flood or weariness or hunger. Yet he hates the butchery of war, holds no malice in his heart, plans no vengeance, and unfeignedly sighs for peace, amnesty, freedom and brotherhood. When we stand in awe before the full revelation of such a character, we chide ourselves for our tardiness in recognizing it, and confess our fault in letting the outward form obscure the great soul within.

*Life of General Nathan Bedford Forrest.* By JOHN ALLAN WYETH, M.D. (New York: Harper and Brothers. 1899. Pp. xx, 656.)

WYETH's *Life of Forrest* is a valuable and unusually interesting contribution to the literature of the Civil War in America. The author has industriously and carefully selected his material, and has used it judiciously and effectively. The biographical passages of the book fitly accomplish the purpose to which, in a work chiefly intended to be historical in his character, biography should be directed. Without exceeding due limits, the anecdotes related of Forrest's boyhood and the account



given of his *ante-bellum* life, serve very well to illustrate the personal traits of the man whose conduct as a soldier and commander the book is written to commemorate, and assist the reader to understand his really extraordinary career. The author has justly portrayed the chief characteristics of his hero, the qualities which made him so formidable and successful in war; and the popular estimation in which Forrest has always been held, and the impression he produced on his military contemporaries, both comrades and enemies, are abundantly justified by Dr. Wyeth's admirable narrative.

There was never a more perfect example than Nathan Bedford Forrest, of that type of self-taught soldier, of which this country has produced so many specimens; men to whom war seems to be a normal condition, so intuitively have they comprehended its requirements. It may be due to the versatile and inventive energy with which the American is accredited, or to inherited instincts stronger and more active in generations just succeeding the pioneer periods, or it may have been purely accidental; but it is indisputable that in the Revolutionary struggle and in our Civil War an unusually large number of men appeared who, lacking alike the training of the schools and previous military experience, nevertheless exhibited a capacity for command which only the educated or experienced soldier had been supposed to possess.

Forrest, almost without education of any kind, was utterly without military education or experience when he began his career. He was a self-made soldier, and what he did was wrought by strong sagacity and clear judgment; his success was the product of a natural military aptitude, a will which compromised with no difficulty, and a temper as nearly fearless as is ever given to human nature. From his first combat at Sacramento to his last battle at Selma, the latter quality distinguished him, beyond even the most daring of his followers; and Dr. Wyeth relates with as much satisfaction the frequent exhibitions he gave of personal prowess, as the greater actions which attest his ability as a general.

Enlisting at the beginning of the war, Forrest very soon recruited a battalion of cavalry consisting of eight companies. Like the horsemen recruited and trained by Morgan, and indeed all of the mounted Confederate commands of the West, these troops were accustomed to fight habitually on foot, using the rifle and revolver, while a few picked companies, using only the revolver, fought mounted. This method of fighting was in a measure hereditary with the Kentuckians and Tennesseans. Their pioneer ancestors had used very much the same tactics under Shelby and Sevier, Logan and Harrod.

Forrest's first opportunity for the display of the ready appreciation of a military situation and promptness of decision for which he was so distinguished, was afforded at Fort Donelson, when it became apparent that the Confederate works could not be held against the superior numbers of the enemy directed by the energy and determination of Grant. It will be conceded that the author of this book, however unjust to other officers he may be in his account of the surrender of the Confederate

forces at Donelson, is correct in his statement that Forrest exhibited not only vigor, but wisdom in insisting on withdrawing his own command, and that he had reason for the opinion he urged that a large part of the infantry might escape by the route which he himself was about to take. He escaped with his entire command and reached General Albert Sidney Johnston's army in time to take part in the Battle of Shiloh, where his conduct increased his already excellent reputation.

Early in June, 1862, he was ordered to Chattanooga with instructions to organize a brigade of cavalry for services in that department. He was permitted to take with him only a very few of the troops which he had already organized and trained, and which under his leadership were already veteran and formidable. Indeed, Forrest suffered in this respect more, perhaps, than any other cavalry leader on the Confederate side; and more than once after this, was required to part with men whom he had enured to war and accustomed to victory, and recruit and train new commands. He was fortunate, however, in securing the famous Eighth Texas, the most efficient body of men for purely mounted service, perhaps, in the Confederate army.

General Kirby Smith, a very able officer, was then in command of the department, and realizing how much could be accomplished in that way was vigorously preparing for the systematic employment of cavalry against the Federal forces occupying Tennessee and Kentucky. Relying implicitly on the intuitive strategic skill of his ardent and enterprising lieutenants he gave only general instructions and permitted them to execute his orders to capture and destroy depots of supplies and break lines of communication after their own fashion. Morgan marched from Knoxville on the 4th of July, and swept central Kentucky as far north as Cynthiana, within sixty miles of Cincinnati, capturing or dispersing every garrison on his route. On the 6th of July, Forrest marched from Chattanooga into middle Tennessee, and reached McMinnville, forty miles from Murfreesboro, on the 11th. An immense amount of supplies of all kinds had been accumulated at Murfreesboro, guarded by two regiments of Federal infantry and a considerable force of cavalry, with four pieces of artillery. To capture this place was the chief object of the expedition, and Forrest's command numbered about 1500 men. He had no artillery. Dr. Wyeth gives—as he does of all such affairs—a very graphic and interesting account of the combat at Murfreesboro. Forrest dashed upon the enemy at daybreak and after stubborn fighting, in which the killed and wounded were about equal on both sides, captured more than eleven hundred prisoners, a large quantity of stores, four guns and a large number of small arms with ammunition. He remained in Tennessee, notwithstanding the utmost efforts of the enemy to drive him out, doing active and efficient service until Bragg's army, *en route* for Kentucky, arrived, and he reported to General Bragg at Sparta on the 3rd of September. He accompanied the army into Kentucky, where he was again deprived of his brigade and ordered back to Tennessee to recruit and organize another.



Early in the winter of 1862 he was ordered to cross the Tennessee river and operate upon Grant's lines of communication between Corinth and Columbus. To properly understand the purpose of this expedition, some explanation should be given of the then military situation in Tennessee and Mississippi, and of its relation to other Confederate cavalry operations of the same date.

The army of Tennessee, under General Bragg, occupied Middle Tennessee, south and east of Nashville, with its headquarters at Murfreesboro. The Federal army (of the Cumberland), numerically superior, held Nashville, with strong detachments and garrisons in the fertile region of Middle Tennessee, north of the Cumberland, and strongly guarding the Louisville and Nashville railroad. General Grant's army held Memphis and all of West Tennessee, with strong garrisons along the Mobile and Ohio railroad. Grant was also pressing down the Mississippi river toward Vicksburg; and Northern Mississippi was occupied by Federal troops. Rosecrans was about to attack Bragg, and Bragg hoped, by an active use of his cavalry, to prevent the outlying Federal detachments in Northern Tennessee and Kentucky from taking part in the anticipated battle and also to so impair the Louisville and Nashville railroad as to delay reinforcements and supplies sent to Rosecrans. It was quite as important to also harass and retard Grant, and thwart a simultaneous movement of the Federal armies which might, at the same time, drive the Confederates out of Tennessee and capture Vicksburg.

On the 7th of December, Morgan defeated and captured the Federal garrison at Hartsville, 2500 strong, and on the 22d broke into Kentucky, wrecking the railroad from Bacon Creek to a point within forty miles of Louisville. Van Dorn, with the cavalry of Pemberton's army, on the 20th of December attacked the Federal garrison at Holly Springs, in North Mississippi, Grant's chief depot of supplies for that region, defeating it and capturing all the stores and 1500 prisoners. On the 17th of December, Forrest crossed the Tennessee river at Clifton, a point about twenty-five miles north of the Tennessee line, with 2100 men and seven pieces of artillery. He defeated a considerable force of the enemy at Lexington, and then marched straight on Jackson, the most important post occupied by the enemy on the Mobile and Ohio railroad. He made no attempt to take this place but while threatening it broke the railroad south of it, between Bolivar and Corinth, and north as far as Moscow, in Kentucky, capturing the garrisons at Carroll's Station, Trenton, Humboldt, Kenton's Station and Union City. Returning he made his way through heavy forces of infantry and cavalry, and safely recrossed the Tennessee at Clifton. This expedition greatly hindered General Grant's operations.

After the battle of Murfreesboro and when General Bragg had fallen back to Tullahoma, Forrest was busily employed in Middle Tennessee, and was conspicuous in the numerous cavalry battles which were then fought in that region. His pursuit and capture of Streight, one of the most exciting episodes of his career, furnishes material for, perhaps, the most fascinating chapter of the book. At Chickamauga he rendered un-



usually valuable service ; for which he was rewarded by deprivation of his command while he was in hot pursuit of the enemy.

In November, 1863, he was again ordered to West Tennessee with leave to act independently. He took with him less than three hundred men, and found less than four hundred organized troops in the region where he was to operate ; but he recruited so vigorously and his presence roused such enthusiasm that in a few weeks he had more than three thousand men in ranks, although many were imperfectly armed.

Heavy forces were at once directed against him, and in December he was compelled to retreat into North Mississippi. This movement, successfully accomplished when surrounded by four times his number, and hemmed in between swollen rivers, was a masterpiece of strategy.

In the following summer he defeated and routed the superb cavalry corps sent, under Generals W. S. Smith and Grierson, to destroy him. Then followed in quick succession a number of brilliant combats, the capture of Fort Pillow, and the termination of his service in that field with his wonderful defeat of Sturgiss.

He actively participated in General Hood's advance on Nashville, and covered the retreat, when Hood fell back, with a skill and desperate tenacity in holding men to such dangerous and demoralizing work, unequalled in the history of the war.

In the last days of the Confederacy he was pitted, with a depleted and dispirited command, against the best troops and by far the ablest opponent, General James H. Wilson, he had ever encountered ; and exhibited in his reverses even grander courage than had won his victories.

Dr. Wyeth's style is attractive, and his narrative, notwithstanding the amplitude of detail and incident, is extremely clear. He tells the story well, and vividly paints the scenes of his hero's campaigns ; and Forrest stands out from the canvas, audacious and energetic, yet vigilant and cautious ; vehement but clear-sighted and prescient, the incarnation of dauntless, sagacious, indomitable leadership.

*The Making of Hawaii : A Study in Social Evolution.* By WILLIAM FREMONT BLACKMAN, Professor in Yale University. (New York and London : The Macmillan Co. 1899. Pp. xii, 266.)

*America in Hawaii : A History of United States Influence in the Hawaiian Islands.* By EDMUND JANES CARPENTER. (Boston : Small, Maynard and Co. 1899. Pp. xi, 275.)

*The Real Hawaii, its History and Present Condition, including the True Story of the Revolution.* A Revised Edition of *The Boston at Hawaii.* By LUCIEN YOUNG, U. S. N. (New York : Doubleday and McClure. 1899. Pp. xiii, 371.)

THERE is a fascination about the history of the Hawaiian Islands which owes its power to many causes : the political situation which they

occupied as (virtually) our one real colony, the dramatic events attending President Cleveland's attempt to reinstate the deposed queen Liliuokalani, their religious interest as the scene of the most rapid work of evangelization that has ever attended our modern missionary work, and finally the anthropological interest in the islanders and their primitive society and its institutions.

From all these standpoints, Mr. Blackman has treated the Hawaiian Islands, and in doing this has produced a really model historical and sociological monograph. His description of the people and their earlier institutions leaves nothing to be desired. Out of a great mass of material he has gathered what is reliable and important.

A number of problems bearing upon the development of society arise at once in the study of such a people. What seems to have been the origin of their religion? Two strains are traceable here. One, which the author regards as the most important, indicates ancestor-worship and is associated intimately with the primitive conception of a "double" self which is strikingly illustrated in the ideas and customs of the Hawaiians. There is beside this an indication of a conception of higher powers connected especially with the heavens and the processes of the heavens that led Fornander to find in this phase of their mythology indications of the Christian Trinity. It would be well to follow out these different lines and find how far they may be associated with different stages of social organization. Certainly the organization of religion along the lines of magic—related to the fetish and idol—gave the opportunity for the development of the Kahuna—the medicine-man—and of a priestly power, which assisted in the growth of the feudal powers of the chiefs and ultimately in the political organization of the whole group by Kamehameha. In political institutions we see a quite unique development of a comparatively highly organized state in a society which had little in industrial and commercial organization to suggest the political movement.

The Hawaiian marriage has been made the basis of a complicated theory by Westermarck. Mr. Blackman shows that Westermarck's assumption of a primitive communal marriage out of which the so-called "punaluan" family (that in which brothers and sisters to some extent shared their respective husbands and wives) goes far beyond the simplest interpretation of the facts. There is nothing in Hawaiian society to indicate that the primitive family was not generally monogamous. Meanwhile the absence of metals placed a restriction upon industrial development which did not however involve the restriction of social advance to phases which are ordinarily associated with the stone age.

The author pays an eloquent tribute to the social and intellectual qualities of this Melanesian race. Their geniality, dignity, grace and even nobility of temperament, their quickness and adaptability within certain limits, their courage and eloquence and political ability are all attested, but make only more impressive the practical extinction of the race, their institutions, and industrial and social capabilities which has followed upon but a century's contact with Western civilization.

The causes of this extinction are well stated: disease primarily, lack of ability to fit into the stress and strain of Western industrial life, change of habits in dress and food, the ravages of intemperance and the removal of most of the motives for effort and activity which had given them stimuli for life and continuous interest in it. There is hardly anything more pathetic than the rapid action of these forces upon a race gifted in many ways, kindly and hospitable to the civilization that has nearly erased them. At first came the two extremes of Western social life—the missionary representing its ideals and the sailor and wandering adventurer representing its worst vices. Neither of these helped toward the building up of the vitality of the race. The missionary brought rigid conceptions of morality that were too far distant from the social organization they attempted to reform, to accomplish what they should. Still the missionaries were practical men and brought schools as well as the gospel. They brought the trades also, but they did not preserve the industrial activities of the people, and they were powerless over against the other forces that crowded in with the whale-ships and later with the sugar industry. Those natives not killed by disease were crowded out of the life of the community by the industrious Oriental. Even the native industries of making poi—the national food—and of fishing have passed largely into Chinese hands. The native has never been trained to continuous toil and is psychically incapable of working in the cane-field. In activities where sudden bursts of action alternate with comparative quiet he has always excelled, *e. g.*, as a sailor. But in the main he has been shoved to one side, and mercilessly destroyed by the germs of disease and decay which the white man has brought with him. Out of an estimated population of from 300,000 to 400,000 at the beginning of the century there are but some 30,000 left and there is little prospect that this remnant will survive.

Notwithstanding this gloomy result the work that the missionary did cannot fail to call forth admiration. It is especially his political skill that shows the stuff he was made of. The adaptation of Western institutions which the missionaries made for the native kings, their efforts to convey social and political education with the religious, the respect and affection which they enjoyed from the monarchs and the people, are parts of a chapter out of our own social life and show the characteristics of independence, self-reliance, social and political intelligence and fundamental righteousness that have made the American nation what it is. The description of this work of the missionaries is perhaps the most valuable part of Mr. Blackman's book. Finally one must comment upon the simple and clear style on the one side and the admirable presentation of bibliography, authorities, and statistics on the other which make the work almost perfect in its kind.

Mr. Carpenter's *America in Hawaii* is a correct and condensed statement of the political relations of the two countries culminating in the treaty of annexation. It contains a very admirable account, with numerous quotations, of the state papers which indicate the consistent attitude



taken by the various administrations at Washington toward Hawaii. No one can go over these without appreciating that the annexation was but the natural culmination of our policy, nor without being impressed by the evident anticipation of this by many of the men who have held the place of Secretary of State. The reader will also understand with how much surprise the Americans in Hawaii met the opposition that flamed up in some quarters against this step when it had become necessary for the continued existence of the American colony in Hawaii. Perhaps the most interesting chapters will be those describing President Cleveland's attempt to seat the deposed queen again upon the throne, and the course of the men-of-war, the *Philadelphia* and *Adams*, then stationed at Honolulu. No one in Honolulu knew how far President Cleveland had instructed his representative to go. That he wished to overawe the Provisional Government with a show of compulsion there is no doubt, for the ships cleared for action and gave the inhabitants of Honolulu reason to anticipate the forcible carrying-out of the President's policy.

"At this juncture an officer's gig was seen to put out from the ship, rowed by four sailors. In the stern was seated a junior officer of the United States Navy. Coolly and calmly, and apparently oblivious of all the excitement, he headed his boat toward the shore, landed, made his way through the throng upon the wharf, and passed along the crowded streets of the city to the dwelling of a prominent citizen and one of those most closely in touch with the interests of the Provisional Government. Alone with his host, the officer, to the surprise of the first, introduced the subject uppermost in the minds of all, and in allusion to the situation of the hour, remarked: 'We have not yet received our final orders, and we do not know whether or not we shall receive orders to land and place the queen on the throne by force. We of the navy have no desire, of ourselves, to cause bloodshed. I perceive that you are well prepared to resist an attempt on our part to land. I think that, if such orders shall be issued to us, and our boats, with armed marines, shall put out from the ships, if you should fire a charge over our heads we should be obliged to put back and abandon our purpose'" (p. 223).

This occurrence, which the reviewer knows from his own conversation with gentlemen in Honolulu to have been a fact, is an excellent illustration of the fatuity of the whole attempt which Mr. Cleveland made to deal with a situation with which he was too little conversant.

The book as a whole is an excellent *résumé* of these first steps which we were unconsciously taking toward the East. The facts are far too little known and the history of America in Hawaii contains so many proofs of the intelligence and sagacity of our citizens when thrown under strange conditions upon their own resources that it is to be hoped it will be widely read.

Lieutenant Young's book is an enlargement of *The Boston at Hawaii*. It contains an interesting account of the landing of the marines from the *Boston* in 1893 when Liliuokalani was deposed and the Provisional Government was formed. The statement of the situation out of which this revolution arose is in the main correct, though it is the opinion of the

reviewer that far too much stress is laid upon the supposed intrigues of the English. Though England would gladly have taken possession of the islands, and though she would have been glad to see a government formed which would have strengthened ties with England, and though the British subjects there undoubtedly were working in this direction, still there has never been a period since England restored the sovereignty of the islands after the unjust aggression of Lord George Paulet in 1843, in which she has not recognized the paramount rights of the United States in the Hawaiian Islands or has been willing to take advantage of any intrigues which her subjects or others might instigate looking toward British supremacy. The reviewer feels also that the author does not do justice to the effect which the landing of the men from the *Boston* had in expediting the revolution. The attitude taken by Captain Wiltse was theoretically correct. His troops were landed, ostensibly, to protect American property, and he assured the marshal that he would remain neutral, though fighting in the streets was to be checked. On the other hand there can be no question that, in the minds of the native supporters of the Queen and even in her own mind, the moral force of the United States and probably the material force of her man-of-war was on the side of the revolution. Yet no one who was acquainted with the character and determination of the men behind the revolution and understood the cause which they supported could question that they would have carried through what they had undertaken without assistance material or moral. It is hard to say that the minister, Mr. Stevens, was not justified in view of these circumstances in calling upon Captain Wiltse to land his men. A great deal of valuable material has been piled into this book. But it is not very satisfactorily arranged or digested, and the tone of much of it is too belligerent and at times even flippant.

*History of American Coinage.* By DAVID K. WATSON. (New York: G. P. Putnam's Sons. 1899. Pp. xx, 278.)

IN the expanding literature of money one is naturally compelled to ask of any new book its *raison d'être*. A welcome would be granted to the work which should present new material for testing old principles, or old principles in new lights, or even give a glimpse of new principles. But good paper and type ought not to be used to multiply the same statements of familiar facts which have already been long before the public. A new treatise on a hackneyed topic should have a commanding quality arising from exceptional brilliance of exposition, or the variety of new points of view, to make it welcome. It is not sufficient that it is the honest effort of an "earnest worker."

The title of the book is misleading. It is not a thorough-going, or even popular, treatise on American coinage; it does not give matters of coinage technical treatment, nor even any preponderant attention. In reality it is a history of monetary legislation and policy in the United States relating to gold and silver. And some excellent features are to be

found in the carrying out of this purpose. The style is generally clear, the exposition orderly, and the materials are treated intelligently. But one reads on to the end of the book somewhat impatiently—always looking to find out why the book was written, and never getting an answer. The first chapter seems wholly useless. It gives no results of new research on colonial coinage, such as appear when Professor Sumner gives a new chapter to the public; nor is there anything in it bearing on present problems. And the last chapter on the "Lesson of the Century" ambitiously faces the larger questions of monetary policy without giving any penetrating study of the problem. It is eminently respectable, but also eminently commonplace.

In a lucid way it travels over the old path of Hamilton's *Report*, the acts of 1792, 1834, 1837, 1853, 1873, 1875, 1878, 1890, 1893, and 1898 in a general fashion. But it cannot be said that the treatment is free from errors; although no writer on the subject is likely to escape all the pitfalls. It is hardly correct to say (p. vi) that gold coins disappeared before 1834 "by reason of gold having been undervalued by the Act of 1792," when in 1792 the market and mint rates closely coincided. Nor should it be said (p. vii) that silver certificates are "not legal tenders," if they are lawful money for many purposes. Of course, they are not legal tender for as many purposes as the United States notes. An inexcusable error is the author's confusion of gratuitous coinage with "free coinage" (p. 47). The absence of the charge for the expenses of coinage commonly known as the seigniorage should not be confounded with the freedom to the citizen of bringing bullion to the Mint to be turned into coins (whether a charge is made for the expenses of manufacture, or not). On page 149, the author uses "free coinage" in the usual sense, but elsewhere he strangely announces that the Act of 1792 allowed gold and silver bullion to be "assayed and coined free of expense, and this is the origin of the term 'free coinage,' which means to coin bullion without expense to the owner" (p. 54). This is certainly a discovery!

When he points out that Hamilton adopted the ratio of 15 : 1 because "he concluded that 15 : 1 was the market ratio" (p. 71), what does he say as to Hamilton's admission that he did not know what the market ratio of the world was? Also, he assigns the beginning of the "derangement" of the bimetallic system to 1820 (p. 78), when it began many years before. A slip of the pen probably accounts for his saying that the Act of 1834 "so changed the market ratio [*sic*] between the two metals that it resulted in changing their legal, or coinage ratio" (p. 86).

Another confusion arises from speaking carelessly of "the standard," when the author means "standard metal" (p. 98). The standard weight includes the pure metal and the alloy. It is also misleading to say that the Act of 1837 made the "first reduction in the weight of the silver dollar" (p. 98). Since the change in alloy did not change the quantity of pure silver in the dollar, it is not a matter of importance. The same mis-emphasis appears in speaking of the Act of 1853: "It was the first



time in the history of the country that the government exercised the right to control the coinage, and to deny to its citizens the free coinage of their bullion" (p. 106). Inasmuch as, under the Act of 1853, the free coinage of both gold and silver (dollars) remained to all citizens, it is not clear that the matter of a token silver coinage is ground for this statement. Again, one questions the wisdom of writing the weights of silver subsidiary coins under the Act of 1873 in grains, when the law specified grammes (p. 138).

Since the author emphasizes the Act of 1890, and studies its operation, it is a serious omission to say nothing of the phrase in the Act by which any Treasury notes when redeemed in silver are cancelled and disappear. Very soon we shall have no Treasury notes of 1890.

A book on sound money which is inclined to meet a demand of the free-silver party for more money by the admission that their theory is right may not, after all, be so very sound. The author seems to really believe in the *per capita* fallacy (p. 198) when he crushes the enemy by pointing out our large *per capita* circulation. As if a more expensive machinery of exchange were not rather a mark of medievalism!

While there are inaccuracies, such as have been pointed out, one must not overlook the good points. One of these appears in the writer's explanation that the Act of 1873 never demonetized the silver dollars (pp. 118-119). He is quite right in saying "It in no way affected them." The change occurred from another source: "In the revision of the Federal Statutes in 1874 a clause was inserted limiting the legal tender power of the silver coins of the United States to five dollars. This, of course, included the silver dollar, and it was this act, and not that of 1873, which affected the legal-tender power of that piece."

J. LAURENCE LAUGHLIN.

Professor George Barker Stevens's *The Messages of Paul, arranged in Historical Order, analyzed, and freely rendered in Paraphrase, with Introductions* (Scribners, pp. xiii, 268) is a volume in the same series with *The Messages of the later Prophets*, by Professors Sanders and Kent, reviewed in our last number (pp. 608, 609, *supra*), and has the same merits. The volume contains paraphrases of the following epistles, in the order named: 1 Thessalonians, 2 Thessalonians, Galatians, 1 and 2 Corinthians, Romans, Colossians, Philemon, Ephesians, Philippians, the other Pauline epistles being apparently left to be grouped with Hebrews and those of James, John and Jude. Dr. Stevens, professor of systematic theology in Yale University, prefixes to the volume an excellent general introduction, and to each epistle an introduction more special; while an appendix contains a good, but very brief, bibliography. The body of the text is reproduced without much alteration from Dr. Stevens's *The Epistles of Paul in Modern English*, 1898.

We have explained in a previous issue (pp. 162, 163, *supra*) the plan of the volumes of *Letters and Papers relating to the First Dutch War*,

1652-54, which Dr. Samuel Rawson Gardiner is editing for the Navy Records Society. The second volume (London, the Society, pp. xvi, 388) follows the same plan, with similar completeness in the presentation of English and Dutch documents, derived from much the same sources as before. Two episodes divide the volume between them. The first half is occupied with the movements of Ayscue and Ruyter in the Channel in July and August, 1652, and with the fight of August 14 between the Ile de Batz and Plymouth. Many excellent documents are given, yet the tactics of the battle perforce remain obscure. The second portion (Part VI. of the whole work) is devoted to the movements of Blake and De With in the North Sea in September and October, with the battle of the Kentish Knock, September 28 (October 8). In this latter division the most interesting documents are the journal of De With himself, Ruyter's log, and letters of General Blake and Vice-Admiral Penn. A very early use of the word "cartridge" (in Dutch, in one of De With's letters of October) is noted on p. 330. The volume contains a detailed map of the mouths of the Scheldt.

The Navy Records Society has inaugurated a new work, of great interest and value, though of course so technical in its bearings as to be caviare to the general, by issuing Vol. I. of *Logs of the Great Sea Fights, 1794-1805*, edited by Rear-Admiral T. Sturges Jackson, R.N. (London, the Society, pp. xvi, 345). The present volume covers Lord Howe's actions of May 28, May 29 and June 1, 1794, and the battles of St. Vincent and Camperdown. The plan is, to present the text of the log of each vessel engaged, for the day or days concerned, together with the signal logs of the flag-ships. The collection is surprisingly complete. In nearly all cases where the log of a particular vessel is missing, or was left imperfect by reason of the master's being killed in action, Rear-Admiral Jackson has been able to find some substitute, either a detailed journal kept by some officer or a long letter which an officer wrote immediately after the fight. Thus, in the case of the *Queen*, whose master was killed in the action of May 28, the editor substitutes a careful private journal kept on board that ship by Lieutenant S. J. Ballard, accompanied with nine excellent diagrams by that officer, which give much help in understanding the truly "elegant solutions" which Lord Howe gave to his problems of May 28 and 29, as well as the fight of the Glorious First. The legends upon these diagrams, by the way, when combined with the observations of Captain Schomberg of the *Culloden* and some other indications, make it clear that, in the opinion of the officers of the fleet best qualified to judge, Lord Howe made a mistake in calling off the *Thunderer* and the *Culloden* at the end of the fight; they might without serious difficulty have made the victory considerably more complete by securing the remainder of the dismasted French ships. Rear-Admiral Jackson prints the text of Lord Howe's signal-book, from the copy carried by the *Culloden*, with colored plates illustrating a part of them. Howe's cumbrous style, and the fact that the copies carried on board

different ships varied somewhat, help to explain some peculiarities of the actions. In fact there must be few essential details of any of the battles for which this admirably executed volume does not provide adequate and authentic information, unless it be in the case of Camperdown. There, from the nature of the case, Duncan's formation of his line of battle remains obscure. It is difficult to get a precise notion of it, because it was not precise. Moreover, the logs of the masters in the North Sea fleet were not so well kept as those of Howe's and Jervis's. However, comparison of one with another makes the tactics of the fight sufficiently clear. As for St. Vincent, the evidences here furnished leave nothing to be desired; none of the logs are missing, and almost all are clear and instructive. Especial interest of course attaches to the evidence respecting Nelson's action in wearing the *Captain* at the critical moment of the fight. It appears that James's statement, that Nelson did this in obedience to a signal from the flag-ship, rests on the sole authority of the log of the *Prince George*; but there is abundant evidence to show, when due comparison of time-entries is made, that no such signal was made before he wore, and that he acted in "glorious disobedience."

The scope of "The Story of the Nations" series is too well known to require restatement, and to say, therefore, that Professor Pietro Orsi, in his volume on *Modern Italy* (Putnam, pp. xviii, 404) conforms to the plan of being popular but accurate may give most readers a general idea of his book. Professor Orsi does not write for the specialist, but for the intelligent reader—once called "gentle"—to whom he offers a clear narrative of events, with suggestions of the philosophic or political significance of the main current of his story. In range, this book covers a larger period than the other single-volume works in English with which it may be compared; for Professor Orsi starts in 1748 and ends in 1898, whereas Countess Cesaresco's *Liberation of Italy* deals strictly with the *Risorgimento*, 1815–1870, Probyn's earlier book stops at the death of Victor Emanuel in 1878, and W. J. Stillman's unreliable *Union of Italy* runs from 1815 to 1895. Why Professor Orsi chose the middle of the last century as a starting-point, and continued his narrative a generation beyond the redemption of Rome, he does not explain. For symmetry, one must keep within the well-defined limits of the *Risorgimento*; but if symmetry be disregarded, it matters little what bounds one keeps.

And after all, there are many readers who will be glad to get the information contained in the earlier chapters of this book about the benevolent despots of the eighteenth century—a period not easily accessible to the English-reading students. Not less may be said of the closing sketch of contemporary Italy, including brief mention of a host of writers, painters, musicians, and other local celebrities. Professor Orsi has a compliment for each of them, and if it were not evident that he has exchanged criticism for politeness, we might imagine that Italy swarms today with scores of geniuses of the highest rank.

In the body of his work, devoted to the *Risorgimento* proper, he car-



ries his desire to be fair to every one so far that at times we wonder whether there were only saints and heroes concerned in the making of modern Italy. Nevertheless, the book may be recommended to persons who wish to break ground in this field and have not access to Countess Cesaresco's much better volume. One merit Professor Orsi has which no foreigner can have—he writes as a native, and accordingly he presents, often unconsciously, the point of view of a large majority of his countrymen. The translation might have been better, and so might the illustrations, which are well chosen but poorly printed.

*Bulletin No. 9* of the Bureau of Rolls and Library of the Department of State, dated October, 1897, but just issued, contains, in curious juxtaposition, thirty pages of extremely miscellaneous index to a few of the papers of the Continental Congress and 922 pages constituting Vol. III. of the *Documentary History of the Constitution*. Vol. I., it will be remembered, contained the journal and some other papers of the Federal Convention, together with some preliminary records; Vol. II. consisted in the main of the official records of the ratifications of the Constitution by the states and of the proceedings relative to amendments actually adopted. Vol. III. consists of Madison's record of the debates in the Philadelphia Convention, printed from the original manuscript. An official transcript of this invaluable record, executed with the greatest pains, is, it is needless to say, a great boon to scholars, especially to those who are occupied with minute researches in constitutional history. But the fifth volume of Elliot's *Debates*, though doubtless not so accurate, will still remain more convenient for ordinary uses. It is indexed, and it is of a more manageable size. Moreover, the mode in which erasures and interlineations in the manuscript are presented in the new text makes it very hard reading. That they should have been preserved in Vol. I. was important, often exceedingly so. Their preservation in the present volume is much less important, for most commonly they are not instructive; but probably the editor saw no intermediate course. A note in a previous volume expressed regret that the facilities at the disposal of the Department did not permit the use of erased type. The form which the text takes on in the absence of these may be shown by reproducing the first few lines, the beginning of Madison's introduction to his record:

[“Preface to Debates in the convention of 1787” stricken out]

A [“jour” stricken out] sketch never finished nor applied.

[“added to natural propensity” stricken out] an

As the weakness and wants of man <sup>^</sup> naturally lead to <sup>^</sup> asso-  
under

ciation of individuals, [“and” stricken out] a common  
have

authority, whereby each may [“be under” stricken out] the  
protection of the whole, etc.

It is obvious that while this edition will be the ultimate authority, Elliot or Gilpin will be that ordinarily used.

We make but one criticism, relating to this same preface by Madison. As printed by Elliot, this occupies thirteen pages, V. 109-122. Only the first quarter of it appears here. The editor states, in his introductory note, that, of the two copies of the preface deposited by Mrs. Madison, one was withdrawn sixty years ago by the Library Committee of Congress for official publication. "The remaining copy, preserved with the original manuscript, is given as it appears, and is but a fragment." To leave off the rest (much the most valuable part) merely because it is not now in the Bureau, is, we think, to adhere too rigidly to a rule for which there are, in ordinary cases, excellent reasons.

No. 7 of the *Publications of the American Jewish Historical Society* (pp. vii, 134) is entirely occupied with the record of the trial of a young boy, Gabriel de Granada, in 1642-1645, by the Inquisition in the City of Mexico, on accusation of having been converted to Judaism by his mother and grandmother. It is a document which shows with great completeness the procedure of the Holy Office, and which also develops much human interest of a decidedly moving kind, as we follow the mental effects of imprisonment, terror and unscrupulous cross-examination upon the boy, who finally involves in his confessions most of the members of his family and acquaintance. The text as printed is that of a translation made by Colonel David Fergusson of Seattle, who once possessed the original manuscript, since destroyed by fire. Notes are supplied by Col. Fergusson and by Dr. Cyrus Adler.

No. 8 of the Society's *Publications* is more nearly of their usual type, a composite of various essays. Some are amateurish, some more substantial. Mr. Leon Hühner discusses with much care the career of Asser Levy. Mr. A. M. Dyer returns to the subject of the site of the first synagogue in New York. Rabbi David Philipson's sketch of the Jewish pioneers of the Ohio Valley we have found especially interesting. Rev. W. Willner gives some interesting notes on the Jews of Newport, from the diary of Dr. Ezra Stiles. Under the title "Some Early American Zionist Projects," Mr. Max J. Kohler unites a consideration of some early Jewish projects for settlement in America with that of schemes more properly to be called Zionist. In an appendix he prints a document, which has been commented on before, found among the Egerton manuscripts in the British Museum, and entitled "Privileges Granted to the People of the Hebrew Nation That Are To Go To The Wilde Cust," *i. e.*, to Guiana. This document, it may be pointed out, bears relations so close that they cannot be accidental to the "Conditions for Colonists, provisionally adopted by the West India Company (Zealand Chamber), October 12, 1656," printed in Dutch and English in the *Report of the Venezuela Boundary Commission*, II. 113-117. The document is an important one. Whether it emanated from the British government for Surinam, or is an English translation of a Dutch decree, is uncertain; we are inclined, with Mr. Kohler, to think it is the latter.

*The Past and Present Condition of Public Hygiene and State Medicine in the United States.* By Samuel W. Abbott. (Boston, Contributed to the United States Social Economy Exhibit by the Commonwealth of Massachusetts, 1900, pp. 102.) This monograph contains an account of the action of the federal and of the state governments respecting the matter of public hygiene. The subject is touched upon from numerous standpoints. Climate, burials, sewerage, quarantine, food inspection and inquest systems are some of the topics under which it is considered. The sketch of the development of the state boards of health has historical as well as economic interest. The first of these established in the United States was that of Louisiana, in 1855. A National Board of Health was not constituted until after the cholera and yellow fever epidemics of 1872 and 1873, and 1878. The establishment of quarantine regulations is also taken up historically. The first instance on record of the enforcement of marine quarantine in this country seems to be that of the ship *Dorothy*, at Philadelphia, from England, in 1728. The book contains numerous maps illustrating comparatively the conditions in respect to these matters, of different parts of the United States. There are also tables of statistics which bear gratifying witness to the progress made in the matter of public sanitation in recent years.

*Nancy Hanks; The Story of Abraham Lincoln's Mother.* By Caroline Hanks Hitchcock. (New York, Doubleday and McClure Co., pp. xxii, 105.) This little volume is the forerunner, the author announces, of a larger one, the genealogy of the Hanks family in America. Its interest and value consist in its presentation, for the first time, of documentary evidence as to the parentage of the mother of Lincoln. The idea that she was illegitimate has been very generally entertained, and while no one has had anything definite to say to the contrary, Herndon has plumply and expressly asserted it in his *Life of Lincoln*, and Mr. Morse, in his work in the "American Statesmen" series, has accepted Herndon's statement (which the latter professed to have derived from Mr. Lincoln himself) as conclusive, and has repeated it concisely and emphatically.

The fact is, as Mrs. Hitchcock's researches most gratifyingly show, the story of Nancy Hank's illegitimacy is altogether a calumny. There is no truth in it whatever. She was the daughter—not of "Lucy Hanks," as several of Lincoln's biographies say—but of Nancy or Nanny, Shipley, the wife of Joseph Hanks, being the youngest of their eight children. Her father died when she was nine years old, and her mother not long after, and she was therefore taken to be "brought up" by her aunt, Lucy (Shipley) Berry, her mother's sister, the wife of Richard Berry. It will be recalled by those who have observed the bond given by Thomas Lincoln, before his marriage to Nancy Hanks, that his surety on the bond was Richard Berry.

Mrs. Hitchcock's "find" is the will of Joseph Hanks, of Nelson County, Kentucky. It is dated January 9, 1793, and was probated May



14 of that year. It names his five sons, Thomas, Joshua, William, Charles, and Joseph, and his three daughters, Elizabeth, Polly, and *Nancy*. All these people are distinctly identified, and there is not any doubt that this Nancy Hanks is the one who married Thomas Lincoln. She and he, it may be remarked, were first cousins, their mothers being sisters; he the son of Abraham Lincoln and Mary Shipley, and she the daughter of Joseph Hanks and Nancy Shipley. Joseph Hanks, the younger, fifth of the sons mentioned in the will, was the carpenter at Elizabethtown, with whom Thomas Lincoln learned his trade.

Mrs. Hitchcock prints the will in full, of course, and she also gives it in photographic facsimile. The evidence of the legitimate parentage of Nancy Hanks is certainly as perfect as could be desired. She gives also a line of descent for Joseph Hanks from an immigrant ancestor, Benjamin Hanks, who is said to have come from England, probably from Malmesbury, in Wilts, about 1699, to Massachusetts, and to have settled in Pembroke, in Plymouth County. As to this ancestral line more definite evidence is desirable, and perhaps Mrs. Hitchcock will supply this in her larger volume. She gives no record evidence which can be regarded as satisfactory between the birth-date of William Hanks, son of Benjamin, Massachusetts, 1704, and the will-date already mentioned, Kentucky, 1793. It has been a supposition that the Hanks family of Kentucky were derived from a Hank or Hanke family of southeastern Pennsylvania, and Nicolay and Hay, in their *Life of Lincoln*, and other biographers as well, have recognized or distinctly accepted this theory. It is rendered plausible by a number of facts which do not need recapitulation here, and can hardly be regarded as disposed of adversely, as yet. The Lincolns of Pennsylvania had a neighborhood connection with the Hankses of that state, it is certain, and some of the latter went, as John Lincoln, grandfather of Thomas Lincoln, did, to the Shenandoah Valley country in Virginia, whence they may have gone, as John Lincoln's son Abraham did, into Kentucky.

The evidence presented in the will of Joseph Hanks, and in the explanatory and corroborative family data published by Mrs. Hitchcock, will compel a revision of most of the biographies of President Lincoln, and this ought to be made at once. To continue to print the calumny on his mother would be unpardonable.

HOWARD M. JENKINS.

*The Puritan as a Colonist and Reformer*, by Ezra Hoyt Byington. (Boston, Little, Brown and Co., 1899, pp. xxvi, 375.) The author is his own authority that the book is required to complement his previous volume on *The Puritan in England and New England*. Here, he states his views thus: "It is true, the Puritans were not in all respects consistent with their own principles. They were not as tolerant as they should have been. Yet they were the leaders, in the seventeenth century, in securing freedom for the people, in the Church and in the State. We owe much of the progressive spirit of our time to their foresight, and to their

strenuous endeavors" (p. viii). If this be an intelligible view of that strenuous purpose called Puritan in religion and that resolute endurance both named and misnamed Puritanism in politics, there must be intelligences to which it commends itself.

The well-known story of the Pilgrims at Plymouth and of the Puritans at the Bay is told in a graphic manner. The distinction between the Pilgrims as Independents and Separatists and the Puritans as conserving constructors is recognized, though it is not clearly stated. The claim that the "Greater New England stretches from ocean to ocean" (p. 200) is neither historic nor logical. Such exaggerations rather reflect upon the work actually accomplished by New England, which has been very great. There is a good account of John Eliot and his devoted work among the Indians. The decline of the religious life of New England in the later seventeenth and early eighteenth century is well treated, and it affords a proper background for the great personality of Jonathan Edwards. The concluding chapter on Shakespeare should have no place in the volume, and its merits or demerits need not be considered.

Though he is a Calvinist, Byington is not as strict a Puritan as Palfrey. The Puritan of the middle nineteenth century loved the faults of his ancestors as well as their strength and virtue. In this book opposing views are treated with the greatest courtesy; and in expression, it is charming. It appears in the solid form characteristic of the old publishers, so well known, and with the tasteful execution of their modern and vigorous representatives.

WILLIAM B. WEEDEN.

The recent volumes of the *New Hampshire State Papers* have been devoted to town charters and allied documents. Grants from the provincial authority of New Hampshire came first; lately those from the Masonian Proprietors to whom Robert Tufton Mason sold his rights in 1746. Vol. XXVIII. (pp. 532) completes the material presented in Vol. XXVII. by covering the Masonian towns from N. to W. The editor in a brief introduction supplies the necessary information as to the association of proprietors, while, in case of each town, notes are prefixed to the documents, sufficient to exhibit its constitutional history in outline or to point to other sources of information. There are many maps and plans. Most of the material for this volume and its predecessor is derived from the great mass of Masonian papers which came to the state on the death of Robert Cutts Peirce of Portsmouth in 1891. The same is true of Vol. XXIX. (pp. xv, 678), though apparently no effort has been spared to give this volume completeness by additions from other sources in this country and England. The papers relating specifically to individual Masonian towns having been printed in Vols. XXVII. and XXVIII., the last volume has been devoted to an ample and thoroughly prepared collection of documents illustrating the whole *general* history of the Masonian grant and the Masonian proprietors. Part I., beginning with the charter to the Council for New England, presents the documen-

tary evidences for the origin of the Masonian claim, the long history of its prosecution in provincial and English courts, its descent, its status and character as a factor in the history of politics and business in New Hampshire, and its relation to other titles. Part II. gives at length the records of the meetings of the Masonian proprietors, kept by their clerk from 1746 to 1807, with a final record made in 1846. Carefully sought out and arranged and elaborately indexed, the materials contained in the volume form a most valuable addition to the printed sources of New Hampshire history.

The first volume of the *Publications of the Colonial Society of Massachusetts* appeared in 1896, and was noticed in this REVIEW, II. 374. The second volume, then announced as intended to contain the commissions and instructions of the royal governors of the province, has been delayed by various causes, among them the desire of Mr. A. C. Goodell, its editor, to add the commissions of vice-admiral issued to the several royal governors of New England. Meanwhile Vol. III. (pp. xxiv, 577) has lately appeared. It contains the "transactions" from January, 1895, to April, 1897. The book is a very handsome one, prepared with great care, and containing several excellent engravings. The index, composed with extraordinary elaboration, fills no fewer than eighty-five pages; a fourth of the remainder is occupied with the commemoration of deceased members.

New England history has been so much studied that it has in our day attained a height of special scholarship and of minuteness in antiquarian research almost comparable to that expended on the medieval history of Germany. Yet the members of the Colonial Society of Massachusetts have found several important new subjects to treat, or subjects susceptible of a fresh mode of treatment. A specimen of the former sort is presented in Mr. Andrew McFarland Davis's paper on the case of Frost *vs.* Leighton, of the latter in his instructive paper on Provincial Banks, Land and Silver. Attention should also be called to Mr. John Noble's notes on the Trial and Punishment of Crime in the Court of Assistants, his account of the libel case of Admiral Knowles against the historian Douglass, growing out of the naval impressment by Knowles's fleet at Boston in 1747, and his description of the Early Court Files of Suffolk County. Mr. A. P. C. Griffin's bibliography of the historical publications of the New England states is of permanent utility. Mr. Robert N. Toppan has a brief but interesting paper on the Failure to Establish an Hereditary Aristocracy in the Colonies. He is, we think, in error in saying, p. 413 *note*, that the Maryland manors appear to have been tracts of land so designated without possessing any special privileges. Some of them certainly had their own courts baron and courts leet. Of the original documents printed in the volume by far the most interesting is a letter of Henry Dunster, first president of Harvard College, which by a marvellous chance has escaped till now the notice of historians of the institution, and which, being Dunster's reply to ques-



tions as to his administration, raised by the General Court, is of much value.

Mr. E. O. Randall's *History of the Zoar Society* (Columbus, Ohio, pp. 105) is marked as the second edition, the first presumably having been that which appeared in the quarterly publication of the Ohio State Archaeological and Historical Society, of which Mr. Randall is secretary. Though lacking in orderliness of arrangement and in finish of style, Mr. Randall's monograph presents a decidedly interesting and instructive study of this communistic experiment, from its inception to its conclusion. Zora is a village in Tuscarawas County, Ohio, in which a body of Separatist exiles from Württemberg, led by one Joseph M. Bäumlér (anglicized into Bimeler), settled in 1818. In 1819 they established community of goods, and they prospered as long as Bimeler lived. He died in 1853. Since then these blameless but unprogressive people have found difficulty in maintaining their experiment in the face of increasing competition and contact with the world's people, and in 1898 the communal property was distributed. Mr. Randall supplements his book with legal documents and pleasing pictures.

The latest publication of the Filson Club, No. 15, is a monograph on *The Battle of Tippecanoe* (pp. xix, 158), by Captain Alfred Pirtle, printed in the club's usual sumptuous style. The president of the club, Colonel Reuben T. Durrett, contributes a lucid introduction, in which he sets in a clear light the general relations of the conflict to the history of the West. Captain Pirtle's narrative makes no pretensions to novel researches. It is based on the materials discovered or used by his predecessors; but he gives, in simple style and with great fairness and good sense, an adequate account of the campaign and of the battle. Part II. contains specimen narratives and letters reprinted from the contemporary issues of the *Kentucky Gazette*, *Frankfort Argus* and *Lexington Reporter*. Part III. contains a roll of Harrison's army, copied from Beard's *The Battle of Tippecanoe*. The volume is illustrated with plans, with portraits, and with excellent photographs of the site of the battle, executed by the author.

*Builders of Nova Scotia.* By Sir John G. Bourinot, K. C. M. G. (Toronto, The Copp-Clark Co., 1900, pp. x, 197, vi.) We welcome this new volume by so competent a scholar on so important a phase of Canadian history. It is an enlargement of an earlier paper read, at different times, before the Nova Scotia Historical Society and Acadia College; as well as before leading citizens of Sydney, C. B., the author's native town. The separate edition before us is an advance publication from the forthcoming volume of *Transactions of the Royal Society of Canada* for 1899. It is the result of years of study and investigation by one of Canada's best living historians, whose chief aim has been "to recall the names and services of men who did good work for their country,

in the most critical periods of its history." He has divided his work into three parts, and has supplemented his own text by adding eleven appendices which take up half of the volume. This documentary portion comprises extracts from publications by Lescarbot, the Bannatyne Club, Akins, Haliburton, etc., and, of course, any errors which they contain, particularly Akins and Haliburton, are reprinted.

Bourinot's text deals with the "Origin of the People of Nova Scotia"; the "Establishment of the Great Churches"; and "Reminiscences of Eminent Nova Scotians for over Forty Years." He sketches briefly the early settlers of the French period, and the coming of the Germans, New Englanders, Irish and Scotch, prior to the advent of the United Empire Loyalists. With the latter he deals at greater length, and it may not be amiss to point out here that too great dependence should not be placed on Sabine's work—now out of date. A new treatise on the American loyalists is a desideratum. The original papers in England relating to their claims for reimbursement of losses are in course of transcription for the New York Public Library, and thirty-two folio volumes have thus far crossed the Atlantic. They go far toward unravelling the mysteries surrounding the personal history and migration of these sturdy sons of the British crown.

The author's sharp but just criticism (p. 24) of Richard's *Acadia* is well taken, and his own deductions about the expulsion of the Acadians are particularly lucid and impartial. On p. 63, speaking of Judge Haliburton's *History of Nova Scotia*, he says: "the first volume is open to the charge of plagiarism." But we are able to add that this charge may well extend to the second volume also. The short histories of townships which Haliburton prints in the latter volume, are taken almost literally from the third Charles Morris's *General Information Book*. We have a manuscript which Morris prepared for Sir George Prevost about 1808 or 1809, which first led us to investigate this matter. The same information, virtually, was printed in an *Appendix to Report of Lieut.-Col. Cockburn, on the Subject of Emigration*, 1827, and in this shape can be investigated by anyone.

There are about fifty illustrations in Bourinot's volume, more than half being portraits. Those in half-tone are generally good, while the portraits in the text are usually poor. His index (5½ pp.) is not exhaustive; but that charge, unfortunately, can be brought against most books. Misprints are rare. The author is to be commended both for his material and for his method.

VICTOR H. PALTSITS.

*A Hand-Book of Practical Suggestions for the use of Students in Genealogy.* By Henry R. Stiles, A.M., M.D. (Albany, Joel Munsell's Sons, pp. 55.) Dr. Stiles showed many years ago that he knew how to write a genealogy, but this volume does not give any very clear reason for its existence. Undoubtedly the author's remarks are just, but they open up no royal road to a beginner, and in fact they hardly rise above the level

of gossip. The advice given is only such as a schoolmaster might give orally to his class, impressing upon them the necessity of care and attention to details, but we fail to find any information as to sources of information not generally known.

It seems superfluous to tell any student that he must go to original authorities, that he must consult town and county records and family Bibles, that he must be patiently inquisitive, but judiciously sceptical, and that above all he must be methodical and careful. The bulk of Dr. Stiles's book might pass muster as a lecture or "smoke-talk," but it hardly seems to be worth putting into book-form.

In fact there is nothing simpler to write than a genealogy, if the writer adopts the standard form of arrangement; but its interest will depend entirely upon the material collected. Therein the author is helpless; if his subjects have led uneventful lives, he cannot supply the interest, and he can only hope to make his record indispensable to the immediate family.

Dr. Stiles very properly refers to some of the current fables of genealogy, the three brothers, the great English fortunes, and the noble ancestry of our first settlers, but these have certainly been falling into disrepute of late years. With the great increase in the number of genealogies now printed yearly, there seems to be no need of a manual on the subject of preparing such books; the intending author had better visit the nearest library, and after examination of the volumes and with the advice of the librarian decide upon some good example as his guide.



## BIBLIOGRAPHICAL

### *Minutes of Abolition Conventions, 1794-1829*

THE *Minutes* of the successive sessions of the "American Convention for promoting the Abolition of Slavery and improving the Condition of the African Race" are rare. Apparently a complete set cannot be consulted in any one place; the closest approach may be made at Providence, in the adjoining library buildings of the Rhode Island Historical Society and of Brown University, but the largest single collection appears to be that of the New York Historical Society. Miss Alice Dana Adams, of Radcliffe College, having made a careful search for these pamphlets in the course of investigations into the history of the anti-slavery movement, kindly contributes the results to this REVIEW in the following list, extending from 1794 to 1829. The letter A indicates the presence of a copy in the library of the Boston Athenaeum; B, in the Boston Public Library; Br, in the library of Brown University; C, in that of Cornell University; Cl, in the Congregational Library at Boston; Co, in the Library of Congress; J, in the library of the Johns Hopkins University; M, in that of the Massachusetts Historical Society; N, in that of the New York Historical Society; P, in that of the Historical Society of Pennsylvania; R, in that of the Rhode Island Historical Society; Ri, in that of the Library Company of Philadelphia, Ridgway Branch; W, in that of the American Antiquarian Society, at Worcester; Y, in that of Yale University.

First	Convention, 1794.	B., Br., Co., J., N., R., W., Y.
Second	" 1795.	B., M., N., R., W., Y.
Third	" 1796.	B., J., N., R., Y.
Fourth	" 1797.	B., J., N., R., Y.
Fifth	" 1798.	Br., J., N., W.
Sixth	" 1800.	Br., J., N.
Seventh	" 1801.	J., N., R.
Eighth	" 1803.	N.
Ninth	" 1804.	J., R., Y.
Tenth	" 1805.	B., N., R.
Eleventh	" 1806.	B., N., R.

Twelfth	"	1809. N., P., R., W.
Thirteenth	"	1812. Br., C., N., P., R.
Fourteenth	"	1815, adjourned to 1816. Br., N.
Fifteenth	"	1817. Br., Cl., P., R.
Fifteenth	"	1818, adjourned session. A., C., M., N., P., Ri.
Sixteenth	"	1819. Br., C., Cl., P., R., W.
Seventeenth	"	1821. Br., N., P.
Eighteenth	"	1823. B., Br., N., P., R.
Nineteenth	"	1825. B., Br., C., Co., J., R.
Nineteenth	"	1826, adjourned session. Br., P., R.
Twentieth	"	1827. Br., Co., J., P.
Twentieth	"	1828, adjourned session. B., C., J., N.
Twenty-first	"	1829. Co., N., R.

Miss Adams has also been seeking for a complete set of Benjamin Lundy's *Genius of Universal Emancipation*. A nearly complete set is in the Boston Public Library. It lacks the third and ninth volumes. The ninth, from September, 1828, to the end of that year, she has found in the Birney Collection at the Johns Hopkins University. The third, from June, 1823, to October, 1824, she has nowhere found. Miss Adams, whose address is 93 Hancock Street, Auburndale, Mass., would be greatly obliged for information as to where this volume may be found; and also for similar information respecting (1) a pamphlet against slavery by Dyer Burgess, published at Ripley, Ohio, in 1827; (2) *Dialogues on Slavery*, by James Gilliland, published at Ripley, Ohio, in 1820; and (3) a book entitled *Involuntary . . . Slavery Examined*, published at Paris, Kentucky, in 1815.

## NOTES AND NEWS

Rev. Dr. Richard Salter Storrs, formerly president of the American Historical Association, and for many years an eminent clergyman and honored citizen of Brooklyn, died on June 5, at the age of seventy-eight. He was the author of a book on *St. Bernard of Clairvaux*, and of many historical addresses.

Professor Julius Schvarcz of the University of Budapest died recently, at the age of sixty. He had been a university professor since 1894 only, having previously had a notable career as a member of the Hungarian Parliament and as chairman of the committee on education. His works on the history of democracy, *Die Demokratie in Athen*, 1882, and *Die Römische Massenherrschaft*, 1893, aroused much interest and controversy by their bold and original views. He had just published a general history of Greece in Magyar, in one large volume.

Professor Frederick J. Turner of the University of Wisconsin has been made the dean of a School of History recently established at that institution. During the ensuing academic year he has leave of absence.

Dr. Merrick Whitcomb of the University of Pennsylvania has been elected professor of history at the University of Cincinnati; Professor Edmund C. Burnett of Bethel College professor of history and philosophy at Mercer University.

The American School for Study and Exploration in Palestine, projected by the Society of Biblical Literature and Exegesis and subsidized by the Archaeological Institute of America (to which its relations are much the same as those of the American schools at Athens and Rome), will go into operation next October, in Jerusalem, under Professor C. C. Torrey, the recently appointed professor of Semitics at Yale University, as its director. Inquiries may be addressed to Professor J. Henry Thayer of Harvard University.

A fund of 30,000 marks has been entrusted to Professors Haeckel of Jena, Conrad of Halle, and Fraas of Stuttgart, by an anonymous donor, for the bestowal of prizes for the best works on the question: "Was lernen wir aus den Prinzipien der Descendenztheorie in Bezug auf die innerpolitische Entwicklung und Gesetzgebung der Staaten?" The first prize is to be of at least 10,000 marks, the second and third of at least 5000. The essays are to be written in German, and to be given to Professor Haeckel before December 1, 1902.

Dr. W. Simon of Königsberg has given the Prussian Academy 7500 marks, for two prizes of 5000 and 2500 marks respectively, for the best



work on the history of autobiography, memoirs excluded. The essays may be written in German, Latin, French, English or Italian, and are to be handed in to the bureau of the Academy before December 31, 1905.

With the aid of a committee of scholars, Professors Cauchie and Ladeuze of the University of Louvain propose to conduct a *Revue d'Histoire Ecclesiastique*, to be published at Louvain (address, Rue de Namur). Its scope is to embrace the whole field of the history of the Church; the plan includes "body-articles," a full bibliography of current publications, reviews of books, and notes. The promoters of the enterprise are mostly graduates from the historical seminary of the University of Louvain.

The *Jahresbericht der Geschichtswissenschaft* for 1898 has lately made its appearance (pp. 136, 562, 334, 365). The section devoted to the United States is now prepared by Dr. E. C. Richardson, librarian of Princeton University; that relating to Canada by Mr. H. H. Langton, librarian of the University of Toronto.

Father C. Sommervogel's monumental bibliography, *Bibliothèque de la Compagnie de Jésus* (Brussels, Schepens) having reached the end of the alphabet in a volume of two thousand pages, Vol. VIII., a supplementary volume is now in active preparation.

Mr. Raoul Renault of Quebec has begun the issue of *North American Notes and Queries*, a monthly repertory formed on the plan of the *Notes and Queries* of London, and intended to contain, in each issue, a few brief historical articles.

With a view to the manner in which ecclesiastical property may be dealt with in the Philippine Islands, Mr. Henry C. Lea, in a brief pamphlet, *The Dead Hand: A Brief Sketch of the Relations between Church and State with regard to Ecclesiastical Property and the Religious Orders* (Philadelphia, W. J. Dornan) discusses historical precedents.

#### ANCIENT HISTORY.

M. Camille Jullian reviews recent French works on Roman history in the May number of the *Revue Historique*. In the same number Professor Adolf Bauer completes his survey of recent German and Austrian contributions to Greek history.

The first instalment of Dr. Rudolf von Scala's *Die Staatsverträge* (Leipzig, Teubner) presents the text, where it is extant, and in all cases the full literary evidence of 218 treaties between independent states of ancient times, extending from 1450 to 338 B.C. The Greek texts are given in the original, with critical and explanatory notes. The early Roman treaties are to follow in the next instalment.

Dr. Paul M. Meyer of Berlin has just brought out (Leipzig, B. G. Teubner) a valuable treatise on *Das Heerwesen der Ptolemäer und der Römer in Aegypten* (pp. x, 231), a subject upon which, as he rightly says, the recent discoveries of papyri have furnished a large additional body of material.

The Macmillan Co. have in press a new work by Professor Henry S. Nash of the Episcopal Theological School at Cambridge on *The History of the Higher Criticism of the New Testament*.

Noteworthy articles in periodicals: G. Porzio, *Concetti Greci nelle Riforme dei Fratelli Gracchi* (*Rivista di Storia Antica*, 1899, 4); P. Alard, *Julien César; Les Débuts du Règne* (*Revue des Questions Historiques*, April).

#### MEDIEVAL HISTORY.

Abbé Ulysse Chevalier has published the third part of his *Répertoire des Sources Historiques du Moyen Age, Topobibliographie* (Montbéliard, Societe Anonyme d'Imprimerie), extending from E to J and completing the first volume. The fourth and fifth parts are promised for the present year, without the delays which have occurred hitherto, and the completion of the whole work may be looked for in 1901.

With the last number of the *Analecta Bollandiana*, XIX. 1, is presented the beginning of an extensive supplement to Abbé Ulysse Chevalier's *Repertorium Hymnologicum*.

It is familiar that one of the ways in which numismatics contributes to historical knowledge is through the examination of hoards of ancient money discovered by chance. A systematic attempt to elicit information of this sort in France, derived from the critical study of 880 hoards enumerated, is made by M. Adrien Blanchet, *Les Trésors de Monnaies Romaines et les Invasions Germaniques en Gaule* (Paris, E. Leroux, pp. 332).

An excellent and critical study of the sources for the biography of St. Bruno, of his life and of his writings, is comprised in Dr. Hermann Löbbel's *Der Stifter des Carthäuser-Ordens; Der Heilige Bruno aus Köln* (Münster, Schöningh, pp. 246).

Mr. John Murray is about to publish *The Dawn of Modern Geography: A History of Exploration and Geographical Science from the Opening of the Tenth to the Middle of the Thirteenth Century*, by Mr. C. Raymond Beazley, a continuation of the learned work in which he traced the evolution of geography down to A. D. 900.

In the *Quellen und Untersuchungen aus Italienischen Archiven und Bibliotheken* M. Eugène Déprez begins a systematic publication of original papal bulls found in various Italian libraries and archives, many of which are not to be found in the papal registers themselves. His first series (in *Quellen*, II. 1.) consists of 66 bulls preserved in the communal archives of Perugia, ranging from 1308 to 1325.

The Academy of Inscriptions and Belles-Lettres has proposed, as the subject of the Prix Bordin (3000 fr.) to be awarded in 1902, a critical examination of the last three books of the *Speculum Historiale* of Vincent of Beauvais, with especial reference to its sources.

Noteworthy articles in periodicals. F. Rachfahl, *Zur Geschichte des Grundeigentums* (Jahrbücher für Nationalökonomie, December, January); P. Viollet, *Les Justices, les Finances et les Milices des Communes au Moyen Age* (Comptes-rendus de l'Académie des Inscriptions, January, February); B. Hilliger, *Studien zu mittelalterlichen Massen und Gewichten* (Historische Vierteljahrschrift, III. 2); J. Zettinger, *Die Berichte über Rompilger aus dem Frankenreiche bis zum Jahre 800* (Römische Quartalschrift, 1900, Suppl. 1); S. Minocchi, *La "Legenda Trium Sociorum"* (Archivio Storico Italiano, XXIV. 4); P. Fournier, *Joachim de Flore, ses Doctrines, son Influence* (Revue des Questions Historiques, April); N. Paulus, *Der Ablass für die Verstorbenen am Ausgange des Mittelalters* (Zeitschrift für katholische Theologie, 1900, 1 and 2).

#### MODERN EUROPEAN HISTORY.

In the *Sitzungsberichte* of the Vienna Academy, CXII. 4, Hofrath von Sickel, in the third of a series of articles long interrupted, studies the correspondence of the Council of Trent and especially the "Proposita," with a view to an edition of the correspondence which the papal court carried on with its representatives in the last years of the council. An appendix presents the facts which illustrate the postal relations between Rome and Trent.

The critical edition of the *Œuvres de S. François de Sales, Évêque et Prince de Genève et Docteur de l'Église* (Annecy, J. Niérat), which the nuns of the Visitation at Annecy have been publishing under the editorial care of Dom B. Mackey, has reached, with its tenth volume, the conclusion of his "works" ordinarily so-called, the last four volumes consisting of the sermons of the saint. With the eleventh volume will begin the interesting publication of his letters.

MM. Lavisé and Parmentier have brought out the third volume, relating to the sixteenth and seventeenth centuries, of their *Album Historique*. Like the two which have preceded, it contains more than 1500 pictures derived from contemporary documents.

A good deal of valuable information respecting the Luxemburg question of 1866 and 1867 will be found, in an unlooked-for connection, in Vol. CIV. of the *Travaux de l'Académie Nationale de Reims*, in which M. Alfred Lefort prints a body of *Notes d'Histoire sur les Français à Luxembourg*, the fruit of patient study. They also contain documents relating to Luxemburg in the times of Louvois and Vauban, etc.

Mr. Budgett Meakin, late editor of the *Times of Morocco*, has written, as the first volume of a series of books on that country, *The Moorish Empire; An Historical Epitome* (London, Sonnenschein), described by competent authority as the best and completest general book on the subject of Moorish history.

Noteworthy articles in periodicals: E. Guglia, *Studien zur Geschichte des V. Lateranconcils, 1512-1517* (*Sitzungsberichte der k. Akademie zu*



Wien, CXL.); O. Nachod, *Ein unentdecktes Goldgebiet; zur Entdeckungsgeschichte des Nord-Pacifischen Oceans* (Mittheilungen der deutschen Gesellschaft für Natur- und Völkerkunde Ost-Asiens, VII. 2); E. Driault, *Les Anglais devant Constantinople et Alexandrie en 1807* (Revue Historique, May); G. de Nouvion, *Talleyrand Prince de Bénévent*, I. (Revue Historique, May); C. Waas, *Napoleon I. und die Feldzugspläne der Verbündeten von 1813* (Historische Vierteljahrschrift, III. 2); G. Schmoller, *Die Wandlungen der europäischen Handelspolitik im 19. Jahrhundert* (Jahrbuch für Gesetzgebung und Verwaltung, XXIV. 1); C. Day, *Experience of the Dutch with Tropical Labor, II. Abolition of the Culture System and Transition to Free Labor* (Yale Review, May).

#### GREAT BRITAIN.

The British government has published reports of the Historical Manuscripts Commission on the manuscripts of J. M. Heathcote, Esq., of Conington Castle, Hants; of the corporations of Shrewsbury and Coventry, the Earl of Radnor, Sir Walter Corbet, Bart., and others; and of F. W. Leyborne-Popham, Esq., of Littlecote, Wilts. The calendars of the manuscripts of the House of Lords now become a new and independent series, of which the first volume relates to the years 1693-1695. The government has also brought out Part II. of the *Year-Book of 16 Edward III.*, edited by Mr. Luke Owen Pike; the second volume of the *Accounts of the Lord High Treasurer of Scotland* (1500-1504) edited by Sir James Balfour Paul, Lord Lyon King of Arms; Vol. II. (1563-1569) of the *Calendar of the State Papers relating to Scotland and Mary Queen of Scots*, edited by Mr. Joseph Bain; and Vol. 87 (1894-1895) of the *British and Foreign State Papers*.

The volume of the *Dictionary of National Biography* which will bring that great literary enterprise to the end of the alphabet has been announced for June 26. At the end of the present year and of the century Messrs. Smith Elder and Co. will immediately begin, and will carry through as speedily as possible, the publication of those supplementary volumes which have become necessary by the lapse of time since the issuing of the first volumes.

Mr. H. A. Grueber, assistant keeper of coins in the British Museum, is the author of a *Handbook of the Coins of Great Britain and Ireland in the British Museum*, published by the Clarendon Press, and having sixty-four plates with illustrations of 732 coins.

The *English Historical Review* for April contains a useful list of churchwardens' accounts which have been printed, in whole or in extracts. The list, furnished with dates and with the proper references, has been prepared by Miss Elsbeth Philipps.

The City of London has published, in its serial *Calendar of Letter Books preserved among the Archives of the Corporation of the City of London at the Guildhall* (London, E. Francis) Letter Book A., or "The

Lesser Black Book'' (1275-1298) edited by Dr. Reginald R. Sharpe, Records Clerk; it contains a great amount of detailed information relating to the history of the trade of London in the thirteenth century.

The Wiclif Society has published the second book of the treatise *De Civili Dominio*, ed. Loserth. Eleven more volumes remain to be published by the society before we shall have before us Wiclif's work in its completeness.

Messrs. Goupil and Co. have announced as nearly ready for publication a finely illustrated book on *Prince Charles Edward*, by Mr. Andrew Lang, uniform with Sir John Skelton's *Mary Stuart* and *Charles I.*, Bishop Creighton's *Queen Elizabeth*, Dr. S. R. Gardiner's *Oliver Cromwell* and Mr. R. R. Holmes's *Queen Victoria*, hitherto published by them in sumptuous editions. It is also announced that a volume on Charles II. is in preparation by Dr. Osmund Airy. Dr. Creighton's *Queen Elizabeth*, noticed at length in our pages (II. 346) has been reprinted without the illustrations (Longmans, pp. 307) and in a form which brings it within the reach of all.

The Clarendon Press has published the second volume of Mr. Osmund Airy's edition of Burnet's *History of My Own Time*, bringing the narrative down to the end of the reign of Charles II. It is announced that no more can be expected at present, by reason of official engagements entered into by Mr. Airy.

The Cambridge University Press has published, in two volumes, *The Economic Writings of Sir William Petty, together with the Observations upon the Bills of Mortality more probably by Captain John Graunt*, carefully edited by Professor Charles H. Hull of Cornell University. Its introduction contains a biography, a bibliography and a general estimate.

Mr. Thomas Mackay, author of *The English Poor*, has written a third volume (1854-1900), intended as a continuation of Sir George Nicholls's famous *History of the English Poor-Law*. It is published in this country by Messrs. G. P. Putnam's Sons.

The latest addition to the series of "Builders of Greater Britain" is a book on *Rajah Brooke: The Englishman as Ruler of an Eastern State*, by Sir Spenser St. John, formerly British minister in Hayti, and author of a well-known book on that country.

Noteworthy articles in periodicals: K. Mamroth, *Die Agrarische Entwicklung Englands* (Jahrbuch für Nationalökonomie, 1899, 6); R. S. Rait, *The Scottish Parliament before the Union of the Crowns*, I. (English Historical Review, April); T. Bateson, *The Relations of Defoe and Harley* (*ibid.*); B. Williams, *The Foreign Policy of England under Walpole*, I. (*ibid.*).

#### FRANCE.

After a nine years' interruption, the *Bibliographie des Travaux Historiques et Archéologiques publiés par les Sociétés Savantes de la France*,

edited by M. Robert de Lasteyrie, has been resumed, by the issue of the second *fascicule* of Vol. III., which continues the material for the department of the Seine, and lists the historical publications of the French Academy and of the Academy of Inscriptions and Belles-Lettres.

Three additions have been made to the "Collection de Textes pour servir," etc.: *La Vie de St. Didier, Évêque de Cahors*, 630-655, edited by M. René Poupardin; *La Vie de St. Louis par Guillaume de St. Pathus*, edited by M. H. F. Delaborde; and the third volume of M. Henri Vast's *Grands Traités du Règne de Louis XIV.* (1713-1714).

The second volume of Abbé Duchesne's *Fastes Episcopaux de l'Antienne Gaule* (Paris, Fontemoing) includes Aquitania and the four Lugdunensian provinces. The lists are subjected to searching criticism and the volume makes a large contribution to the early civil as well as ecclesiastical history of Gaul, throwing fresh light on a great variety of topics.

In the series of *Annales Critiques de l'Histoire de France* projected by the late Professor Arthur Giry, and in which M. Lot's volume on the last Carolingians and M. Favre's on King Eudes have already appeared, M. Auguste Eckel has just brought out, in the *Bibliothèque de l'École des Hautes Études*, fasc. 124, a volume, marked by the most thorough scholarship, on the reign of Charles the Simple. M. Lauer's section, on Louis d'Outremer, and that of M. Poupardin on the Burgundian kings, are in the press. There is reason to hope that the long portion of the task which M. Giry reserved for himself, that on the reign of Charles the Bald, which would connect the series with the *Jahrbücher* of Abel and Simson, may yet be completed and published; it was well advanced toward completion.

M. Michel Gavrilovitch's *Étude sur le Traité de Paris de 1259* (Bibliothèque de l'École des Hautes Études, fasc. 125) is a study not only of that treaty and of the circumstances under which it was concluded, but also of the manner in which it was executed by the two parties and of the consequences which flowed from it in the thirteenth and fourteenth centuries.

An interesting contribution to the history of Mediterranean commerce in the Middle Ages has been effected by M. A. Blanc in publishing *Le Livre de Comptes de Jacme Olivier, Bourgeois Narbonnais du XIV<sup>e</sup> Siècle* (Paris, Picard). The accounts are those of a merchant and banker, whose dealings extended as far as the Levant, and they run from 1381 to 1391. An appendix contains many documents from the archives of Narbonne, relating to commercial treaties, piracy, commercial regulations, etc. The present volume consists of texts; the editor proposes to follow it with a volume of introduction.

Abbé Fëret, having completed his history of the Parisian faculty of theology during the Middle Ages, has now published (Paris, Picard) the first volume of a work continuing its history into the modern period.



This present volume is devoted to the sixteenth century, and is of course important for the history of the religious and civil difficulties caused by the Reformation.

The fourteenth volume of M. de Boislisle's edition of the *Mémoires de Saint-Simon* (Paris, Hachette, pp. 701) contains the original memoirs from the end of 1706 to May 1707, with the usual affluence of annotation and with several appendices.

The economic situation of the French peasants before and after 1789 is the subject of a thorough examination by Professor N. Kareiev of the University of St. Petersburg, in a book which has been translated into French under the title *Les Paysans et la Question Paysanne en France dans le dernier quart du XVIII<sup>e</sup> Siècle* (Paris, Giard et Brière, 1899, pp. xxvii, 637).

The trustees of the British Museum have published a *List of the Contents of the three Collections of Books, Pamphlets and Journals in the British Museum relating to the French Revolution* (pp. 48), edited by Mr. G. K. Fortescue. The three collections, mainly due to J. Wilson Croker, embrace nearly fifty thousand titles.

In the Macmillan Co.'s handsome and remarkably cheap "Library of English Classics" the May issue is a good two-volume edition of Carlyle's *French Revolution*. The print is large; the books are light to hold. Mr. A. W. Pollard, of the British Museum, the editor of the series, prefixes a brief note on the history of the book's composition. The text followed is that of the edition of 1857.

M. Aulard's *Histoire Politique de la Révolution Française* is announced for publication in parts by MM. Armand Colin. It will form but one volume, based on articles which have been noticed in these pages from time to time. Its scope is indicated by the subdivisions: *Les Origines de la Démocratie et de la République, 1789-1792*; *La République Démocratique, 1792-1795*; *La République Bourgeoise, 1795-1799*; *La République Plébiscitaire, 1799-1804*.

The life of a useful though not great member of the Committee of Public Safety has been carefully studied by M. Armand Montier in his *Robert Lindet, Député à l'Assemblée Législative et à la Convention* (Paris, Alcan, 1899, pp. 444).

The historical section of the French general staff has begun the publication of two valuable documentary series, of each of which the first volume has been published during the past year: *L'Expédition d'Égypte*, edited by M. C. de la Jonquière (Paris, Charles-Lavauzelle, pp. 673) and *La Campagne de 1809 en Allemagne et en Autriche*, edited by Commandant Saski (Paris, Berger-Levrault, pp. 586). Both are based mainly on the documents possessed by the archives of the war department, and both are prepared in a rigidly scientific spirit. Both are voluminous collections of material; the former volume extends only to the capture of La Valetta inclusive, the other only from December, 1808, to March 28,

1809, being concerned thus far with the preparations for the war merely. Other Napoleonic books worthy of mention are the *Mémoires Militaires du Maréchal Jourdan* (*Guerre d'Espagne*), edited by Vicomte de Grouchy (Flammarion, pp. 494), Professor J. Dontenville's *Le Général Moreau* (Delagrave, pp. 211), and M. Louis Tuetey's *Un Général de l'Armée d'Italie, Serurier* (1742-1819), whose author is also connected with the historical section of the war department (Berger-Levrault, pp. 380).

In Zeller and Vast's *Bibliothèque Historique Illustrée* the latest issue is an illustrated *La France sous le Consulat* (Paris, H. May, pp. 297) by F. Corréard, illustrated with portraits, caricatures and other cuts.

An exact and detailed notion of the workings of the administrative machinery of France under Napoleon, in one department, may be obtained from the book of MM. Georges St.-Yves and Joseph Fournier on the *Département des Bouches-du-Rhône de 1800 à 1810* (Paris, Champion, pp. 416). This careful and methodical study is based entirely on archive material; it has been "crowned" by the Academy of the Moral and Political Sciences.

Under the title *Cinquante Ans d'Amitié, Michelet, Quinet, 1825-1875* (Paris, Colin) Mme. Edgar Quinet has followed the history of a memorable and fruitful friendship, printing many portions of the correspondence which passed between the two men of letters.

Noteworthy articles in periodicals: H. Sée, *Les Idées Politiques du Duc de Saint-Simon* (*Revue Historique*, May); Comte d'Haussonville, *La Duchesse de Bourgogne et l'Alliance Savoyarde sous Louis XIV.*, IV. (*Revue des Deux Mondes*, March 15); F. A. Aulard, *Le Gouvernement Révolutionnaire* (*La Révolution Française*, December 14); id., *Le Régime Politique après le 9 Thermidor* (*ibid.*, January); F. Rousseau, *Les Successeurs de Bonaparte en Égypte: Kléber et Menou* (*Revue des Questions Historiques*, April).

#### ITALY.

Antonio Agostini, *Pietro Carnesecchi e il Movimento Valdesiano* (Florence, Seeber, pp. 354) is occupied largely with the trial of the Florentine reformer whose name it bears,—a follower of Juan Valdes. The trial, by the Inquisition, took place in 1567.

A large part of the *Archivio Storico Siciliano*, n. s., XXIV. 1, 2, is given up to an article on the revolution at Messina in 1674-1678, by Sig. A. Chiamonte, accompanied with nearly a hundred documents.

The Neapolitan revolution of 1799 has been commemorated by the publication of a remarkable album, prepared by Signori Croce, Ceci, d'Ayala and di Giacomo, containing 174 well-chosen illustrations bearing on all aspects of the episode, *La Rivoluzione Napoletana del 1799 illustrata con Ritratti, Vedute, Autografi ed altri documenti figurativi e grafici de tempo* (Naples, A. Morano e figlio). A special phase of the history of the same period, yet one having much importance in respect to its results, has been studied by Dr. G. Gauci in his treatise *Della Presa di*

*Malta dalla Repubblica Francese e della susseguente Ribellione dei Contadini* (Malta, Bussutil). In the same connection belongs M. A. Dufourcq's *Le Régime Jacobin en Italie; Étude sur la République Romaine*, 1798-1799 (Paris, Perrin, pp. 576).

#### GERMANY, AUSTRIA, SWITZERLAND.

The *Neues Archiv*, XXV. 2, is a *Festschrift* in honor of the seventieth birthday of Dr. Ernst Dümmler, prepared by his present and former associates in the *Monumenta Germaniae Historica*. Among the contents we notice an essay by Karl Zeumer on the text and history of the *Lex Burgundionum*, one by Dr. Mommsen on interpolations in the breviary of Theodosius, one by A. V. Müller on the relations of Pope Nicholas I. to the Pseudo-Isidorian forgeries, one by Professor Harry Bresslau on the Continuator Reginonis and one by O. Holder-Egger on the *Annales Cremonenses*.

Harnack's *Geschichte der kgl. preussischen Akademie der Wissenschaften zu Berlin*, undertaken under the auspices of the academy and in commemoration of its two-hundredth anniversary, has now been published, in three volumes (Berlin, Reimer). Professor Paulsen discourses upon it in the *Preussische Jahrbücher* for March.

In Vol. CXLI. of the *Sitzungsberichte* of the Vienna Academy Professor Duncker elaborates from new materials the story of the visit of the Duke of Lorraine to Berlin and the betrothal of the Crown-Prince Frederick in 1732.

An episode of German history which has also its relations with the history of the United States, especially of Georgia, is treated by Dr. C. Fr. Arnold in his *Die Vertreibung der salzburger Protestanten und ihre Aufnahme bei den Glaubensgenossen* (Leipzig, E. Diederichs, pp. 246).

The Viennese Dr. Heinrich Friedjung's brilliant work, *Der Kampf um die Vorherrschaft in Deutschland, 1859-1866*, though published only three years ago, has already reached a fourth edition (Stuttgart, Cotta, two vols., pp. 476, 618).

In the February number of the *Deutsche Rundschau* General von Verdy du Vernois completed his reminiscences from the headquarters of the Army of Silesia in 1866.

Professor Aloys Schulte of Breslau has in preparation an important work on the history of the medieval trade between western Germany and Italy (Venice excepted), to be published by the Historical Commission of Baden. The Commission intends also to bring out before long the fifth volume of the correspondence of the margrave Karl Friedrich, and has undertaken a historical map of Baden after the plan proposed by Dr. Thudichum.

The *Archiv für Oesterreichische Geschichte*, LXXXVI. 1, contains a diary kept by Count Ferdinand Bonaventura Harrach during the siege of Vienna in 1683, accounts and an itinerary of the Emperor Maximilian II.'s



journey into Spain in 1548, an article by J. Hirn on the attempts of Rudolf II. to acquire sole possession of the Tyrol in 1603-1606, and one by Professor A. Beer on Austrian commercial policy under Maria Theresa and Joseph II.

Vol. LXXXVIII. 1, of the *Archiv für Oesterreichische Geschichte* contains a fragmentary biography of Kaunitz by the late Ritter von Arneth, extending to 1750.

The Royal Academy of Prague has undertaken the preparation of a monumental bibliography of Czech history, *Bibliographie Ceské Historie*, and has enlisted the co-operation of many scholars. The enterprise has been placed under the editorial care of Dr. Cenek Zibrt, docent in the Bohemian University. The first volume (pp. xv, 673) has now appeared. It includes general bibliography, literary history and biography, and the auxiliary sciences, and embraces 23,594 articles. Genealogy alone occupies 350 pages. Two other volumes are to be expected, one devoted to historical sources, the other to secondary historical writings.

M. Félix Alcan has just published the first volume (1430-1559) of a *Histoire de la Représentation Diplomatique de la France auprès des Cantons Suisses, de leurs Alliés et de leurs Confédérés*, prepared at the instance of the Swiss government by M. Édouard Rott.

In the *Bulletin* of the Société d'Histoire et d'Archéologie de Genève, II. 3, the principal article is one by M. H.-V. Aubert, in which he narrates, with extensive citation of documents, the story of the relations of Nicolas Colladon with the Company of Pastors and Professors, and of their efforts, after a quarrel with him, to recover from his custody their archives and papers.

Noteworthy articles in periodicals: A. Stern, *Gneisenau's Reise nach London im Jahre 1809 und ihre Vorgeschichte* (*Historische Zeitschrift*, LXXXV. 1); R. Fester, *Ueber den historiographischen Charakter der Gedanken und Erinnerungen des Fürsten Otto von Bismarck* (*Historische Zeitschrift*, LXXXV. 1); H. Oncken, *Ludwig Bamberger* (*Preussische Jahrbücher*, C. 1).

#### NETHERLANDS AND BELGIUM.

The interregnum in Dutch history during the absence of Leicester, November, 1586-July, 1587, has been carefully treated in a Utrecht dissertation by Mr. Broersma, *Het Tusschenbestuur in het Leycestersche Tijdvak*.

The third volume of Mr. Colenbrander's *De Patriottentijd*, of which work we have heretofore spoken, brings the narrative down to the Prussian intervention in Holland in 1787 and the formation of the Triple Alliance of that year. The work is thus completed. Mr. Colenbrander has also printed, in the *Bijdragen en Mededeelingen* of the Utrecht Historical Society, a series of documents relating to the meetings of the leaders of the anti-Orange, or democratic, party between 1783 and 1787.

M. Henri Pirenne's *Geschichte Belgiens* in the Heeren and Ukert series, reviewed on a previous page (p. 109), has now been translated into French (by the author, we presume), *Histoire de Belgique; des Origines au Commencement du XIV<sup>e</sup> Siècle* (Brussels, H. Lamartine, pp. 432).

#### NORTHERN AND EASTERN EUROPE.

*The Historical Memoirs of the Emperor Alexander I. and the Court of Russia*, by the Countess of Choiseul-Gouffier, have been translated into English, and the translation is published by Messrs. A. C. McClurg, of Chicago.

MM. Plon, Nourrit and Co., of Paris, announce another of M. Walszewski's vivid and striking books of modern Russian history, *L'Héritage de Pierre le Grand: Règne des Femmes, Gouvernement des Favoris*, in which he deals with the period from 1725 to 1741.

Moritz Brosch, *Geschichten aus dem Leben dreier Grosswesire* (Gotha, Perthes, pp. 191), is an interesting study, based chiefly on Venetian archives, of the life and activity of Muhammad Sokolli, grand vizier from 1565 to 1579, Muhammad Köprili, 1656-1661, and his son, Achmet Köprili, 1661-1676, and a valuable contribution to Turkish history.

The important part played by the Genevese banker Eynard in aiding the Greek revolutionary movement has been so little known that it is a pleasure to call attention to the monograph on him which Dr. Emil Rothpletz has prepared from abundant family papers, *Der Genfer Jean Gabriel Eynard als Philhellene, 1821-1829* (Zurich, F. Schulthess, pp. 95).

M. Félix Alcan has announced for publication a considerable volume by M. Fr. Damé on the *Histoire de la Roumanie Contemporaine, 1822-1900*.

#### AMERICA.

The Public Archives Commission established at Christmas by the American Historical Association, under the chairmanship of Professor William MacDonald of Bowdoin College, has already made gratifying progress in its work of obtaining systematic information respecting the archives of the United States and of the several states and large cities. The preliminary organization, involving the appointment of an adjunct member, carefully selected, in each state, is nearly completed, and a well-devised circular intended for their guidance has been drawn up and issued. The inquest is intended to be a very thorough one. During the past session of Congress Mr. J. William Stokes, of South Carolina, introduced in the House of Representatives two bills (H. R. 10999, H. R. 11429) appropriating five thousand dollars to defray the expenses of such an investigation by the American Historical Association. The bill was referred to the Committee on the Library, whose report is No. 1767 in

the House Reports of the session. A bill practically identical passed the Senate ; but failed to pass the House before the session closed.

The *Compilation of the Messages and Papers of the Presidents of the United States*, edited by Representative J. D. Richardson, and the methods by which it has been brought before the public, were during the last session of Congress the subject of investigation by the Senate Committee on Printing. The report of the committee (Senate Report No. 1473) and the testimony taken by them have been printed. If no more be said of the matter (and perhaps it is not our province to say more), it has at least been made clear that whenever Congress wishes to compensate the editor of a governmental historical work it should pay him in a lump sum what it deems proper, rather than to give him permission to have duplicate plates made and to print and sell an edition for his private benefit. The committee declared that the law denied copyright to such an edition. Congress provided for the printing of 16,000 more sets, 6000 of which are to be at the disposal of members of Congress, while the remaining 10,000 are to be sold by the Superintendent of Documents at the actual cost of printing, which is estimated at seven dollars a set.

The British government has published a new volume of the *Calendar of State Papers, Colonial Series, America and West Indies*, extending from February 1685 to the end of 1688, with some two hundred items of earlier date now found and included. It is needless to say that the volume casts numberless rays of light on a very important period of our history. Benefits by no means small will result from the suggestive mixture of West Indian items in these volumes with items concerning the continental colonies, too often regarded as in isolation. If the editor's preface shows learning and fairness equal to his sprightliness, we are much mistaken ; but we must all be grateful for his work.

Mr. Albert Matthews is collecting material bearing on the terms Yankee and Yankee Doodle. He will gratefully acknowledge the receipt of any example of the word Yankee, or of any allusion to Yankee Doodle, previous to April 19, 1775. His address is 145 Beacon Street, Boston, Mass.

We understand that Miss Agnes Doyle, of the Boston Public Library, is engaged in preparing a bibliography of the American navy.

The late Henry Stevens, of Vermont and London, at the time of his death in 1886, had finished a work on Thomas Hariot; the first volume a biography, *Thomas Hariot, the Mathematician, the Philosopher and the Scholar*, based on original materials, the second a verbatim reprint of Hariot's *Briefe and True Reporte of the New Found Land of Virginia*. This work is now ready for publication by Mr. Henry N. Stevens of 39 Great Russell Street, London, to whom subscriptions may be sent. The edition, handsomely made, is limited in number.

Professor H. C. Rogge of Amsterdam has an article on the Brownists at Leyden in the *Archief voor Nederlandsche Kerkgeschiedenis*, VII. 4.



Messrs. G. P. Putnam's Sons announce a *History of Political Parties in the United States*, by Hon. James H. Hopkins, and, in the "Story of the Nations Series," a volume on the *Thirteen Colonies* by Helen Ainslie Smith, to be followed by two volumes on the history of the United States from 1783 to 1900 by Professor Andrew C. McLaughlin of the University of Michigan.

*State Documents on Federal Relations ; The States and the United States*, edited by Dr. Herman V. Ames, is published by the historical department of the University of Pennsylvania. The first number, a pamphlet of 44 pages, contains a score of documents of the years 1789-1809.

Messrs. G. P. Putnam's Sons have in preparation the first volume of a work on the *Scotch-Irish Families in America*, by Mr. Charles A. Hanna, which will trace the history of these families in the north of Ireland, their voyages to America and their careers here down to the Revolution. A second volume will deal with their history from the Revolution to the present time.

The Johns Hopkins University has published a volume by Dr. J. H. Latané, professor at Randolph-Macon, on *The Diplomatic Relations of the United States and Spanish America* (pp. 294) the first series of the Albert Shaw Lectures in Diplomatic History ; and a monograph on the Colonial Executive prior to the Restoration, by Dr. Percy L. Kaye.

Mr. William Abbatt of 281 Fourth Avenue is about to republish the *Memoirs of Major-General Heath*, which have not been reprinted since their first issue in 1798. Some additional accounts of the battle of Bunker Hill will be added.

Professor Ira N. Hollis of Harvard University, formerly an officer of the United States navy, and Lieutenant F. M. Bennett, U. S. N., have united in the production of a history of the American navy in two books, the first, by Professor Hollis, entitled *The "Constitution" and the Navy under Sail*, the other, by Lieut. Bennett, *The "Monitor" and the Navy under Steam*.

Colonel Thomas L. Livermore, a prominent member of the Military Historical Society of Massachusetts, is about to bring out (Boston, Houghton) *Numbers and Losses in the Civil War in America*, a statistical manual of much utility, in which will be stated with care the numbers of infantry, artillery, cavalry, marines, etc., from each state, and the number of losses incurred.

The government's *Compilation of Treaties in Force*, prepared under the act of July 7, 1898, by Henry L. Bryan (pp. xviii, 779) supplements in a valuable extent the historical material presented in the volume of *Treaties and Conventions* from 1776 to 1889, published in the latter year. Beside containing such treaties and conventions then published as have not become obsolete, the present book contains practically all the treaties of the decennium 1889-1898, ending with the treaty of peace with Spain ratified April 11, 1899.

The *Proceedings* of the American Antiquarian Society at its meeting of October 21, 1899, contain a valuable paper by Judge Simeon E. Baldwin of New Haven on the American Jurisdiction of the Bishop of London in Colonial Times, and a sprightly essay on the Forest of Dean by Mr. John Bellows of Gloucester, England. Mr. Robert N. Toppan prints, from the original manuscripts in the possession of the Society, the records of the meetings of Governor Andros's council from December 20, 1686, to April 25, 1687. It is deemed probable that the records of the council under Dudley, in the period immediately preceding, will be published by the Massachusetts Historical Society, from transcripts obtained from England by the state. Those of the meetings held under Andros after April 25, 1687, so far as preserved, may follow.

Mr. John Noble, clerk of the Supreme Judicial Court for the county of Suffolk, Massachusetts, has in preparation a volume intended to contain all the records of the Court of Assistants of the colony, 1630 to 1692, so far as they have been recovered or can be reproduced.

The Acorn Club of Hartford, a new organization, issues as its first publication a fac-simile reprint of Samuel Stone's *Catechism*, from the rare original of 1684.

The New York Public Library has recently acquired by bequest the important collection of historical autographs possessed by the late Colonel Theodorus Bailey Myers Mason. An account of the collection is printed in the *Bulletin* of the Library for April. The numbers for March and April contain texts of letters addressed to Captain John Bowie during the Revolution by various people in South Carolina and Georgia. Mr. Philip Schuyler has presented a volume of the manuscripts of the first Senator James A. Bayard, containing documents and correspondence of much interest for the years 1800-1814. The May number of the *Bulletin* contains a series of letters of Andrew Jackson, dated from 1813 to 1820, addressed to Wm. B. Lewis and others. The earlier ones are strikingly incoherent and ungrammatical; all show much violence of personal feeling.

The *Publications of the Southern History Association* now appear once in two months. The March number contains contributions by several gentlemen on the question why the Confederacy had no Supreme Court; and an article entitled The Texas Frontier, 1820-1825, by Dr. Lester G. Bugbee of the University of Texas, in which he discusses some of the first causes of friction between the "Americans" in Texas and the government of Mexico.

A volume on the *Historic Towns of the Southern States*, including Baltimore, Annapolis, Frederick, Washington, Richmond, Williamsburg, Wilmington, Charleston, Savannah and St. Augustine, will be brought out by Messrs. G. P. Putnam's Sons, in continuation of the series edited by Mr. L. P. Powell. An introduction by Professor W. P. Trent will be prefixed.

The Garden Library of Southern History, formed several years ago by Southerners in New York, has been deposited in the library building of Columbia University.

In the course of the dispute between Virginia and North Carolina over the boundary line, 1707-1711, many depositions were taken which have preserved the recollections of settlers, particularly their recollections respecting the Indian tribes, covering the last half of the seventeenth century. A number of these are printed in the April issue of the *Virginia Magazine of History*. It also contains extracts from an interesting series of letters exhibiting Richmond in the time of the War of 1812, a pleasing evidence of interest in times later than those which at first engrossed exclusively this magazine. The seventeenth-century materials are, however, continued by further instalments of the Sainsbury-McDonald documents from the times of Governor Pott and Governor Harvey, 1629-1630, and of the papers relating to the administration of Governor Nicholson and the founding of the College of William and Mary.

It is understood that Dr. Lyon G. Tyler, president of the College of William and Mary, is seeing through the press a history of the James River settlements.

The *Lower Norfolk County Virginia Antiquary*, Vol. III., Part 2, contains continuations of its former contents, and in particular of its lists of property owners in Norfolk County in 1860 and in Princess Anne County in 1775.

Mr. William Sidney Drewry, in a small book called *The Southampton Insurrection* (Washington, Neale Co., pp. 201) endeavors to trace the causes of Nat Turner's rebellion and to separate truth from fiction in the story of the episode.

The late Col. James E. Saunders of Lawrence County, Alabama, who had resided in that county for sixty years, in 1880 commenced in a local newspaper a series of graphic and carefully prepared articles on his recollections of northern Alabama. His granddaughter, Mrs. Elizabeth S. B. Stubbs of New Orleans, has reprinted these, with other historical matter left by him in manuscript and with many genealogies prepared by herself, in a useful volume of 530 pages published at New Orleans under the title *Early Settlers of Alabama*.

The Rev. Arthur Howard Noll, in his *History of the Church in the Diocese of Tennessee* (New York, James Pott and Co.), includes, besides the history of the Protestant Episcopal body, such portions of the civil history and of the history of the other religious denominations in the state as seem to be requisite toward a satisfactory understanding of his main subject.

During a long and varied life, marked by much public service, Governor Lubbock of Texas was brought into contact with all the prominent men of the state and with all phases of its political and economic devel-



opment. Accordingly his memoirs, edited by Judge C. W. Raines, *Six Decades in Texas, or Memoirs of Francis Richard Lubbock, Governor of Texas in War-Time, 1861-1863; A Personal Experience in Business, War and Politics* (Austin, Ben C. Jones and Co., pp. 685), contributes much that is interesting and valuable toward a comprehension of Texas history.

In the *Quarterly* of the Texas State Historical Association Judge Bethel Coopwood continues his minute investigation of the route of Cabeza de Vaca, Mr. H. F. Estill discourses of the history of Huntsville, and Judge John H. Reagan gives an interesting account of an interview with Houston in February, 1861, during the sessions of the secession convention of Texas.

The April number of the *Annals of Iowa* is mainly devoted to a long but interesting account of the History of Steamboating on the Des Moines River from 1837 to 1862, by Mr. Tacitus Hussey, an Iowa pioneer. It is a branch of industry now extinct, largely by reason of the diminished volume of the river.

The *Proceedings of the State Historical Society of Wisconsin at its Forty-Seventh Annual Meeting* (December 14, 1899) and of the State Historical Convention held at Green Bay in the preceding September are united in one pamphlet of 221 pages. The most important papers printed in the book are one by Miss Deborah Beaumont Martin on the Fox River valley in the days of the fur-trade, one by William L. Evans on the military history of Green Bay, and one by Mr. John N. Davidson on the coming of the New York Indians to Wisconsin.

The Oregon Historical Society has successfully begun the publication of a *Quarterly*, edited by the secretary of the Society, Professor F. G. Young of Eugene. The first number, that for March, 1900, is a well-printed book of 109 pages. The main elements in its contents are two: a paper on the Genesis of Political Authority and of a Commonwealth Government in Oregon, by Hon. James R. Robertson, and a body of entertaining reminiscences of early days in Oregon, by F. X. Matthieu, a Canadian who participated in Papineau's rebellion, went to Oregon in 1842, and took part in the movement for the Oregon provisional government of May, 1843.

Messrs. Sampson Low, Marston and Co. have nearly ready for publication *The Remarkable History of the Hudson's Bay Company, including that of the French Traders of Northwestern Canada and of the Northwest, XY and Astor Fur Companies*, by Dr. George Bryce, professor in Manitoba College at Winnipeg.

Noteworthy articles in periodicals: K. Haebler, *Quelques Incunables Espagnols relatifs à Christophe Colomb* (Le Bibliographe Moderne, November); *The Alaska Boundary* (Edinburgh Review, April).

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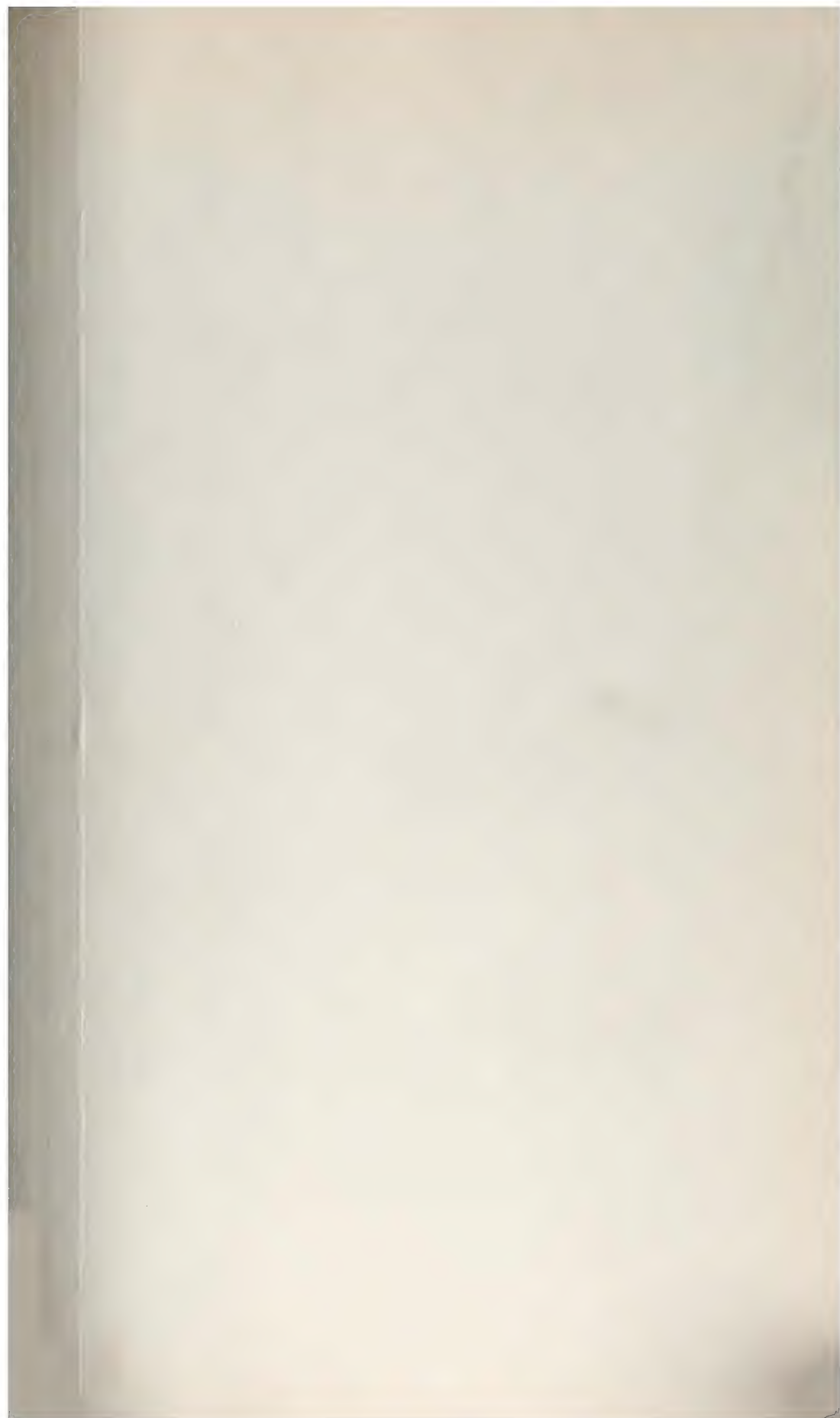
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